

**ZAP COMMISSION SITE PLAN REVIEW SHEET
ENVIRONMENTAL VARIANCE
CONDITIONAL USE PERMIT
HCRO DEVELOPMENT BONUS**

CASE: SPC-2016-0055C **PLANNING COMMISSION DATE:** February 21, 2017

PROJECT NAME: Junior league Community Impact Center, District 10

APPLICANT: Garrett-Ihnen Civil Engineers (Jason Rodgers)
(512) 454-2400)

OWNER: Junior league of Austin(Gregory Noack)
(512) 467-8982

ADDRESS OF SITE: 5330 Bluffstone Lane

COUNTY: Travis

AREA: 7.28 Acres

WATERSHED: Bull Creek (WS Suburban, Class 1)

JURISDICTION: Full Purpose

EXISTING ZONING: GR-CO, RR

PROPOSED DEVELOPMENT:

A)The applicant is requesting 3 variances from environmental regulations to allow the construction of a multipurpose Community impact center with a parking garage.

B)The proposed use, Club or Lodge, is a conditional use in GR zoning, and a CUP is required.

C)The property is located in a Hill Country Roadway Corridor, and HCRO requirements are administrative, due to a settlement agreement. However, a requested HCRO Bonus to allow additional height is not administrative, and requires commission approval.

(A) DESCRIPTION OF EV VARIANCES:

The applicant requests the following: Approval of environmental variances to allow:

1. Cut above 4 feet up to 5.57 feet [13-15-235]
2. Fill greater than 4 feet up to 5.3 feet,[13-15-235]
3. Construction on slopes [13-15-237(a)]

The Environmental Commission voted 10-0 to approve the requested variances on 1-18-2017, with the condition that preservation two specific trees will be evaluated for better preservation by reconfiguration of design or relocation.

Staff condition is that the Settlement agreement is void after this development is complete and there will be no more modifications to the settlement agreement.

Backup support and exhibits for these requests follow later in this document.

Staff recommends approval of the EV variances

(B) DESCRIPTION OF CONDITIONAL USE PERMIT:

The applicant requests approval of the use “Club or Lodge”, which is a conditional use in the Land Development Code.

Excess parking over the minimum code requirement is proposed to allow for on-site parking for events. CUP criteria and support are explained later in the body of this document.

Staff recommends approval of the CUP.

CONDITIONAL USE PERMIT REVIEW AND EVALUATION CRITERIA

The following evaluation is included to provide staff position on each point of the conditional use permit criteria. Section 25-5-145 of the Land Development Code states: “The Commission shall determine whether the proposed development or use of a conditional use site plan complies with the requirements of this section.

A conditional use site plan must:

1. *Comply with the requirements of this title; **Staff response: This application complies with the requirements of this title.***
2. *Comply with the objectives and purposes of the zoning district; **Staff response: This application complies with the objectives and purposes of the zoning district. A Club or Lodge Use is a conditionally-permitted use in GR-CO zoning.***
3. *Have building height, bulk, scale, setback, open space, landscaping, drainage, access, traffic circulation, and use that is compatible with the use of an abutting site; **Staff response: This application is requesting a waiver to other standards (HCRO) to allow for additional height for the building to prevent spreading the development out on the site. If the height provision is NOT approved, the development meets site requirements directly. If the height provision IS approved, compatibility is still met, but at a slightly taller height.***
4. *Provide adequate and convenient off-street parking and loading facilities; **Staff response: Adequate and convenient off-street parking are provided through a proposed parking garage, meeting more than the minimum parking requirements for a Club or Lodge.***
5. *Reasonably protect persons and property from erosion, flood, fire, noises, glare, and similar adverse effects; **Staff response: The site does not contribute to any of these adverse effects.***

A Conditional Use Site Plan May Not:

1. *More adversely affect an adjoining site than would a permitted use; **Staff response: This site plan conforms to all regulations and standards established by the Land Development Code for its proposed use and zoning. The proposed excess parking should provide more-than-adequate on-site parking for any events that may be held on site, keeping overflow parking out of the adjacent neighborhood.***
2. *adversely affect the safety or convenience of vehicular or pedestrian circulation, including reasonably anticipated traffic and uses in the area; **Staff response: This is not anticipated to any detriment of safety or convenience.***
3. *adversely affects an adjacent property or traffic control through the location, lighting, or type of signs; **Staff response: No signage or lighting is proposed that would affect adjacent properties or traffic control.***

(C) HCRO DEVELOPMENT BONUS FOR HEIGHT:

The applicant requests approval of a HCRO Development Bonus [25-2-1128] to allow for additional height to be built that exceeds the 40' height limitation in a Moderate Intensity Zone in order to allow up to 53' in height.

Under 25-2-1128, Development Bonuses, the applicant has satisfied the requirement that at least 50% of the criteria for approval are met. The undue hardship is noted by the applicant to be the cumulative effects of the Hill Country Roadway Ordinance setback, impervious cover reductions, and height limitations along with ordinances and settlement agreements that impose additional design difficulty on the site due to its peculiar configuration, topography, access and drainage.

Staff recommends approval of the Bonus.

BOARD/COMMISSION ACTION:

January 18, 2017: The Environmental Commission recommended approval of the variances, with the specified condition - Vote : 10-0

February 7, 2017: Zoning and Platting Commission, Postponed 10-0

February 21, 2017: Zoning and Platting Commission

ENVIRONMENTAL REVIEW STAFF: Atha Phillips
Atha.Phillips@austintexas.gov

PHONE: 512-974-

CASE MANAGER: Lynda Courtney
Lynda.Courtney@austintexas.gov

PHONE: 512-974-2810

GARRETT-IHNEN
CIVIL ENGINEERS

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866.512.4423

March 18, 2016

Mr. Rodney Gonzales, Director
Development Services Department
The City of Austin
P.O. Box 1088
Austin, Texas 78767

Engineering Summary Letter

**RE: Junior League of Austin Community Impact Center
5330 Bluffstone Drive**

Mr. Gonzales:

Garrett-Ihnen Civil Engineers is pleased to submit this Engineering Summary Letter for the proposed Junior League of Office Community Impact Center at 5330 Bluffstone Drive in Austin, Texas.

Project Background

This site plan was originally submitted on October 25, 2013 under case number SP-2013-0337C. After the plan was submitted for review, the City of Austin published a new flood map for Bull Creek which showed the proposed improvements to be located within the floodplain. The project was put on hold while the development team coordinated with City Staff (Kevin Shunk and Chuck Lesniak) to determine how best to proceed. The plan has been modified so that only the building encroaches into the floodplain. A flood study was performed to show no impact on the floodplain.

The site plan was resubmitted on June 25, 2015 under site plan number SP-2015-0254C. The site plan was allowed to expire while addressing tree protection and mitigation issues. Those issues have been cleared up by the reviewer and the arborist. This submittal addresses those comments as well as the second round review comments.

General Information

This 10.28 acre tract, Lot 15, Block "X", Great Hills, Phase B; Doc. # 200300284 of Travis County, Texas, is located on the southeast corner of Bluffstone Drive and Bluffstone Cove, just north of Loop 360.

This project is subject to compliance with the Lake Austin Watershed Ordinance No. 781102-C and the Hill Country Roadway Ordinance as outlined in the attached Mutual Release and Settlement Agreement No. GNO-01372. The Settlement Agreement states that the "rules and regulations in effect on May 25, 1988 shall govern all applications and approvals necessary for the construction of the project." This would also apply to the zoning ordinance. Therefore, compliance with Subchapter E: Design Standards and Mixed Use does not apply to this project.

A Service Engineering Firm
www.garrett-ihnen.com
TBPE Registration # F-630

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The Settlement Agreement allows for a total of 77,902 square feet of impervious cover on the tract.

This site is within a Moderate Intensity area of the Hill Country Roadway Corridor and the Hill Country Roadway Ordinance applies. The Settlement Agreement states that the site plan will be administratively reviewed and approved.

This project is located within the Bull Creek Watershed, a Water Supply, Suburban, Class 1 watershed, within the 1500' Recharge Verification Zone. No portion of this tract is within the TCEQ Edwards Aquifer recharge zone. All storm flows from this site will be directed to the Bull Creek Watershed. A portion of this tract is within the boundaries of the 100 year flood plain within the limits of study of the Federal Flood Insurance Administration FIRM panel #48453CO245H, dated September 26, 2008 for Travis County. The floodplain is delineated on the plans and is enclosed in a drainage easement.

The fully-developed City of Austin floodplain is also delineated on the plan. A drainage easement will be recorded along that floodplain.

Existing Conditions

The project site is currently undeveloped with the exception of two water quality ponds that capture flows from Bluffstone Cove and Bluffstone Drive. There are also several stone retaining walls and concrete pads associated with the previous residential development. The site vegetation consists of native grasses and trees. Additional information can be found in the attached Environmental Assessment provided by Horizon Environmental.

Reference sheet 10 for an overall view of the property, including the critical environmental features and setbacks. The floodplains associated with the Bull Creek Tributary No. 2 are also shown on this plan. The 2008 FEMA floodplain is delineated and labeled "FEMA". The calculated floodplain as delineated by the City of Austin Bull Creek Drainage Study is also delineated.

A large portion of this tract contains a bluff and a creek (Bull Creek Tributary No. 2) with slopes greater than 15%, as shown on the Slope Map Sheet of the Site Plan Submittal Set; however, no slopes greater than 15% exist within the proposed project site.

Proposed Conditions

The improvements proposed for this project site are a 43,033 square foot three story office building with attached 5-level parking garage. The building will be the new Junior League of Austin headquarters. Development includes two new driveways along Bluffstone Drive and one new driveway along Bluffstone Cove. Two storm water retention ponds will be constructed. Runoff from all impervious cover areas will be routed to the proposed ponds.

The site layout was developed in a way that minimizes the adverse impacts to the natural character of the property and to conserve significant trees to the greatest extent possible.

Zoning

The Subject tract was rezoned from SF-2 and DR zoning to GR-CO and RR under Ordinance 98-0115-F on January 15, 1998. The RR zoning covers the area within the FEMA floodplain. The zoning ordinance also included a conditional overlay that restricted several uses on the property.

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The tract was rezoned on September 22, 2011 under Ordinance 20110922-068. The zoning designation remained the same but the conditional overlay removed the restriction for the following uses: Administrative and Business Offices, Club or Lodge, and Counseling Services.

The proposed uses for the project will be Administrative and Business Offices and Club or Lodge. Required parking based on those uses is 261 spaces. The proposed plan will provide 328 spaces.

Club or Lodge will be a conditional use and a conditional use permit will be applied for through the Zoning and Platting Commission.

Variances

The following variances are being requested as part of the site plan review:

- LDC 25-8-341 - Cut in excess of 4' up to 10'
- LDC 25-8-342 - Fill in excess of 4' up to 11'
- LDC 25-7-92 – Floodplain Encroachment

Separate variance request letters are attached to this submittal.

A Hill Country Roadway Development Bonus for height will also be requested.

Utility Information

Water service will be provided by an existing 12" stub at the corner of Bluffstone Drive and Bluffstone Cove. Two private fire laterals will be constructed to provide for the building's sprinkler system and for the addition of two fire hydrants. A 2" domestic water meter is proposed.

Wastewater service will be provided by a proposed 6" wastewater service line connected to a manhole on an existing City of Austin wastewater line. A sanitary easement will be granted by the adjacent property owner to allow for connection to that main.

Drainage

Drainage from this project site will be directed to the Bull Creek Watershed. Offsite flows will be conveyed through this site within two existing drainage easements as shown in the construction plans.

Two retention/irrigation water quality ponds will be constructed to treat the storm runoff from the project site. A capture depth of 1.25 inches has been used in accordance with the Mutual Release and Settlement Agreement No. GNO-01372. Two-year detention will be contained within the water quality ponds. A request for participation in the Regional Stormwater Management Program has been approved for development on this site and the approval letter included with the attached Drainage Report. Calculations for the site drainage are also provided in that report. Water quality calculations are provided in the plan set.

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The following table summarizes the flows to each of the two ponds.

Drainage Summary								
Condition	Total Area	Tc (hours)	Impervious Cover		Weighted CN	SCS Type III, 24hr Storm Water Flows (cfs)		
	acres		acres	%		2-yr	25-yr	100-yr
Existing (DA 1)	0.72	0.2270	0.000	0.00	72.00	0.64	2.76	4.18
Developed (DA 1)	0.72	0.0830	0.520	72.22	79.00	0.07	3.53	5.18
Existing (DA 2)	1.04	0.2720	0.000	0.00	72.00	0.87	3.79	5.73
Developed (DA 2)	1.04	0.0830	1.040	100.00	80.00	0.83	6.01	8.44
The Developed Flows represent the flows discharging from the Reirrigation Ponds								

We hope that this information is sufficient for your review of this project. Please feel free to contact me if you have any questions or if we may be of assistance during this process.

Sincerely,

Jason Rodgers, P.E.
Project Engineer



Date

3/18/16

CITY OF AUSTIN – DEVELOPMENT SERVICES DEPARTMENT
SITE PLAN APPLICATION – MASTER COMMENT REPORT

CASE NUMBER: **SPC-2016-0055C**
REVISION #: **00** UPDATE: **U2**
CASE MANAGER: **Lynda Courtney** PHONE #: **512-974-2810**

PROJECT NAME: **Junior League of Austin Community Impact Center**
LOCATION: **5330 BLUFFSTONE LN**

SUBMITTAL DATE: **October 12, 2016**
REPORT DUE DATE: **October 26, 2016**
FINAL REPORT DATE: **October 28, 2016**

2 DAYS HAVE BEEN ADDED TO THE UPDATE DEADLINE

STAFF REPORT:

This report includes all staff comments received to date concerning your most recent site plan submittal. The comments may include requirements, recommendations, or information. The requirements in this report must be addressed by an updated site plan submittal.

The site plan will be approved when all requirements from each review discipline have been addressed. However, until this happens, your site plan is considered disapproved. Additional comments may be generated as a result of information or design changes provided in your update.

If you have any questions, problems, concerns, or if you require additional information about this report, please do not hesitate to contact your case manager at the phone number listed above or by writing to the City of Austin, Development Services Department, P.O. Box 1088, Austin, Texas 78767.

UPDATE DEADLINE (LDC 25-5-113):

It is the responsibility of the applicant or his/her agent to update this site plan application. **The final update to clear all comments must be submitted by the update deadline, which is March 1, 2017.** Otherwise, the application will automatically be denied. If this date falls on a weekend or City of Austin holiday, the next City of Austin workday will be the deadline.

UPDATE SUBMITTALS:

A formal update submittal is required. Please bring a copy of this report with you upon submittal to Intake. Updates may be submitted between 8:30 am and 4:00 pm. No appointment is necessary. Updates are now required to be submitted within a specific time period or the project will be considered inactive. A fee is required to return the project to active status and to submit a formal update. Additionally, updates beginning at the 4th (U4) require an update fee prior to submitting a formal update.

Please submit 7 copies of the plans and 8 copies of a letter that address each comment for distribution to the following reviewers. Clearly label information or packets with the reviewer's name if intended for a specific reviewer. No distribution is required for the Planner 1 and only the letter is required for Austin Water Utility Development Services.

REVIEWERS:

Planner 1: Cindy Casillas
Environmental: Atha Phillips
AW Pipeline Engineering: Larry Williams
Drainage Construction: Benny Ho
Fire for Site Plan: Tom Migl
Flood Plain: Henry Price
Regional Stormwater Management: Benny Ho
Site Plan: Lynda Courtney
DSD Transportation: Ivan Naranjo

AW Utility Development Services : Neil Kepple
Water Quality: Benny Ho

Fire Review - Tom Migl - 512-974-0164

1. ~~Please correct Fire Protection Plan and verify all other applicable sheets, scale indicates the plan is 1:40 and is actually 1:30.~~
2. ~~Please extend fire lane from Bluffstone Cove to the full 150 feet with fire lane striping and verify fire foot access from fire lane to south of office building if fenced provide man-gate and steep slope provide steps/walking surface not through parking garage unless 2-hour rated corridor is provided with AMOC.~~
3. ~~The following notes shall be on the utility plan:~~
 - a. ~~Underground mains feeding NFPA 13 sprinkler systems must be installed and tested in accordance with NFPA 13, and the Fire Code, by a licensed sprinkler contractor with a plumbing permit. The entire main must be hydrostatically tested at one time, unless isolation valves are provided between tested sections.~~
 - b. ~~Underground mains feeding private hydrants must be installed and tested in accordance with NFPA 24, and the Fire Code, by a licensed contractor with a plumbing permit. The entire main must be hydrostatically tested at one time, unless isolation valves are provided between tested sections.~~
4. ~~Please identify FDC location. FDC must be adjacent to fire lane and not block by vegetation or parked vehicles.~~
5. ~~Please provide building information for each building garage : parking garage: open or enclosed sprinkled or partially sprinkled with standpipe. Identify office building with Full 13 Sprinkler System.~~
6. ~~An AFD flow test must be obtained to help demonstrate the available water supply for the project. Impacts to the Austin Water Utility's (AWU) piping system due to providing the required fire flow for a development project are evaluated by and resolved through the staff of AWU. If there are on-site mains and hydrants, calculations must be provided to prove that the fire flow can be delivered through the private water system. The maximum velocity permitted in private or public fire mains is 10 feet/second. Fire flow information shall be shown on the cover sheet, required fire flow, reduced fire flow for sprinkled building based on sprinkler system (Full 13, 13R, 13D as applicable), building construction type, fire flow from field report with static and residual pressure and calculated available fire flow for the main flowing under laminar conditions. Please provide a copy of the fire flow report to this reviewer with your next update or email copy.~~
7. ~~Please detail fire line within parking garage or relocate. Per NFPA 24 fire lines shall not be installed under buildings. If suspended in garage then specify insulation and provide thermal calculations to demonstrate protect from freezing or note to heat trace line and provide manufacture specification/recommendation for heat trace product. Provide section from architect to confirm required clearances shall be accounted for.~~
8. ~~Once the above comment has been addressed and AWU has provided sign off please contact this reviewer to schedule an appointment for final AFD review and sign off.~~

Flood Plain Review - Henry Price - 512-974-1275

FP 1. Update 1: Comment cleared.

FP 2. Due to proposed encroachments within the 25 and 100-year floodplains, this site plan will require a floodplain variance. This variance may be granted administratively if the applicant is able to meet the seven provisions outlined in LDC 25-7-92 C(1) which are:

- a. The finished floor elevation of the proposed building is at least two feet above the 100-year floodplain;
- b. normal access to a proposed building is by direct connection with an area above the regulatory flood datum, as prescribed by Chapter 25-12, Article 1;
- c. a proposed building complies with the requirements in Chapter 25-12, Article 1, Section 25-12-3 Appendix G (*Flood Resistant Construction*) and Section 1612 (*Floodplain Loads*);
- d. the development compensates for the floodplain volume displaced by the development;
- e. the development improves the drainage system by exceeding the requirements of Section 25-7-61 (*Criteria for Approval of Plats, Construction Plans, and Site Plans*), as demonstrated by a report provided by the applicant and certified by an engineer registered in Texas;
- f. the variance is required by unique site conditions; and
- g. development permitted by the variance does not result in additional adverse flooding of other property.

Please submit a variance request letter identifying compliance with each of the 7 provisions outlined. This comment will be cleared upon the granting of a floodplain variance.

Update 1: Variance letter received, comment will be cleared upon granting of floodplain variance by director of Watershed Protection. Comment pending.

Update 2: Comment pending.

Update 3: Comment will be cleared informally upon granting of the floodplain variance.

Update 4: Comment pending.

FP 3. Update 2: Comment cleared.

FP 4. Update 1: Comment cleared.

FP 5. Update 1: Comment cleared.

FP 6. Please submit a summary of the amount proposed fill/cut in the floodplain. These amounts should include proposed buildings and piers that would diminish floodplain storage volume.

Update 1: Comment Pending.

Update 2: Comment Pending.

Update 3: Applicant's engineer will provide a summary of the existing site development material volume remove during site work to offset tabulated floodplain storage loss. Comment pending.

Update 4: Comment cleared.

FP 7. Update 3: Comment cleared.

FP 8. Update 3: Comment cleared.

FP 9. Update 3: Comment cleared.

FP 10. Additional comment may be added upon receipt of updates.

FP 11. Update 3: Please include the following notes on the cover page:

The Director of Watershed Protection on (date) granted an administrative variance from the following city code sections: Land Development Code (LDC) Section 25-7-92 A&B (Encroachment on Floodplain Prohibited). This floodplain variance expires one year from the Director approval. The following conditions of this variance must be met prior to the Building Official issuing a Certificate of Occupancy for the building proposed by this site plan application:

- a. The applicant shall submit an elevation certificate to the City certifying the elevation of the finished floor of the buildings is a minimum of two (2) feet above the 100-year floodplain elevation and the elevation of machinery associated with this building is elevated a minimum of one (1) foot above the 100-year floodplain elevation, signed by an appropriate Texas registered professional. Two elevation certificates submittals are required, one at the foundation inspection and the second at the final building inspection.
- b. The applicant shall submit to the City a flood proofing certificate certifying that the structure is flood proofed to an elevation of at least one foot above the 100-year floodplain elevation, signed by a Texas registered professional engineer or architect

The City may not issue a certificate of occupancy for the proposed building until the applicant has submitted a complete elevation certificate and a flood proofing certificate. Please contact Henry Price in the Watershed Protection Department, 512-974-1275, to confirm receipt of these items.

Update 4:Comment cleared.

RSMP Review - Benny Ho - 512-974-3402

RS1 Have you had a feasibility meeting with Jose Guerrero with Watershed Protection. If not, please contact this reviewer to set up a meeting.

Update 1. This comment will be cleared after the meeting.

Re-submittal. This comment will be cleared after the meeting.

Re-submittal Update 1. It appears that although the application has been approved but the agreement has not been executed and the RSMP fee has not been paid. Please explain.

Re-submittal Update 2. This comment will be cleared when the agreement has been executed and receipt provided.

RS2 In order to process the RSMP request, please submit a formal RSMP waiver request to this reviewer and to rsmp@austintexas.gov.

Update 1. The processing of RSMP cannot start prior to the request has been submitted.

Re-submittal. As discussed over the telephone. The formal RSMP request must be submitted through this reviewer.

Re-submittal Update 1. It appears that although the application has been approved but the agreement has not been executed and the RSMP fee has not been paid. Please explain.

Re-submittal Update 2. This comment will be cleared when the agreement has been executed and receipt provided.

RS3 For the RSMP process, a study will need to be completed to demonstrate that the proposed conditions of the development will not cause an adverse impact.

Update 1. The processing of the RSMP cannot start prior to the study has been provided.

The drainage area plan should be at a scale suitable to show the entire drainage area for flows through the site and downstream drainage conveyance systems to the point where 100 times the drainage area is collected (if the site is .5 acres the analysis should go to a point where the drainage collects 50 acres of flow). The purpose of the drainage area plan is to show drainage areas which

discharge through or into the site and the downstream conveyance systems. The study with its relevant information and calculations should show the existing conditions and the fully developed proposed conditions.

To request the City's existing HEC-HMS models you can email floodpro@austintexas.gov or can obtain them online at atxfloodpro.com. To request the City's existing StormCAD models please contact Angela Todd-Sheremet at angela.todd-sheremet@austintexas.gov.

Update 1. The processing of the RSMP cannot start prior to the study has been provided.

Re-submittal Update 1. It appears that although the application has been approved but the agreement has not been executed and the RSMP fee has not been paid. Please explain.

Re-submittal Update 2. This comment will be cleared when the agreement has been executed and receipt provided.

Site Plan Review - Lynda Courtney - 512-974-2810

SP 1. FYI: Beyond two hundred feet (200') of the right-of-way of , maximum height may increase but shall not exceed >28'in Low Intensity areas, > 40' in **Moderate Intensity areas**, or > 53' in High Intensity areas, except as provided in Section 25-2-1128, Performance Incentives. [25-2-1124]. When comments are substantially cleared, this case will be scheduled for Zoning and Platting Commission for the presentation and approval of the waiver related to the Hill Country Roadway ordinance. The commission may waive the provision only to the extent necessary to allow development to occur.

Note: The requested environmental variances need to be presented at Environmental Commission prior to ZAP for approval. It would make more sense to schedule all ZAP decisions for one meeting, so the ZAP scheduling will be done after EVC variance schedule is done.

Update # 1: (Comment SP 1A): Clarification of the hardship triggering the variances is not entirely understood . Support material must be clear and defensible; most of the items are supported/ supportable, but the defined hardship is not yet there. Please expand on this reasoning. Call or email me if you would like to meet or discuss.

Update # 2: Discussion of methods and proposals is ongoing.

SP 2-6 Comment addressed.

SP 7. Include recordation numbers of easements, IPM's, etc. on the site plan.

Update 1,2: Pending, comment not addressed.

R.O.W. Review - Reza Sedghy - 512-974-7912

APPROVED 10-25-2016

Approval for this Site Plan is related to the plans received in this update. All revisions required to satisfy any other reviewer's comments, must not affect construction in the ROW. If revisions to this plan require changes to any elements or proposed construction within the Right-of-Way, a formal review by ATD- ROW and ATD-Traffic Control will be required.

Please note:

1. Approval of Site Plan does **not** permit any work in the Right-of-Way to be conducted without approved permit:
 - a. Excavations for utilities require an Excavation Permit (EX)
 - b. Driveways and Concrete work require a Driveway/Sidewalk Permit (DS)
 - c. Traffic Control and Pedestrian protection require a Temporary Use of Right-of-Way Permit (TURP)
 - d. All other permits such as Building Permit (BP) must be approved before use of the ROW will be allowed
2. Approved set of plans must be submitted to ROW Management before Excavation permits will be approved. Please deliver to:

Isaiah Lewallen
3701 Lake Austin Blvd. Austin TX 78703
(Isaiah.Lewallen@austintexas.gov) 512-974-1479

3. Development Services inspection fees must be paid and recorded, and DSD inspector assigned to job **before excavation permit can be issued**. Contact Stephen.Castleberry@austintexas.gov
4. If License Agreements or Encroachment Agreements are required all agreements must be approved and recorded before ROW permits can be approved. This also includes:
 - a. All Plan Revisions/Corrections be submitted and approved
 - b. All updated engineering estimates for any plan revision/correction be submitted to Development Services
5. Coordinate with Austin Center for Events (Betty.Torres@austintexas.gov), Public Works Department, and any other projects identified as conflict at time of permitting
6. Most ROW permits can be applied for online at: <http://www.austintexas.gov/rowman>

DSD Transportation Review - Ivan Naranjo - 512-974-7649

TR1. For large sites subject to §2.2.5 or for sites abutting more than one roadway type, the Sidewalk and Supplemental Zone requirements (but not the Building Placement and Parking requirements) shall apply along all abutting streets or Internal Circulation Route frontages, with the applicable requirements determined by the roadway type (§2.2.1.B).

- **Update #2: Comment cleared.**

TR2. Sidewalks, designed in accordance with the Commercial Design Standards, are required along Suburban Roadway (§2.2.4.B). The sidewalk section shall consist of two zones: (i) Planting zone must be 7 feet minimum, must be continuous, and located adjacent to curb; and (ii) Clear Zone must be 5 feet minimum (§2.2.3.B.1-2). Sidewalk clear zone must be 6 feet minimum if the principal street is a commercial collector or a major arterial (TCM, 4.2.1; Table 1-7). Dimension and label the Planting Zone and the Clear zone on the Site Plan.

- **Update #2: Comment cleared.**

TR3. Where required, the sidewalk shall extend onto private property to fulfill the 12-foot minimum requirement, with a sidewalk easement provided (§2.2.4.B, §2.2.3.B).

- **Update #2: Comment cleared.**

TR5. For all non-residential zoning districts over 3 acres, §2.3.1 shall apply. Provide private drive or public street connections to existing public/private streets on adjacent sites, or stub-outs if connections are not feasible. (§2.3.1.A). If the site is adjacent to a public street, provide direct pedestrian and bicycle access to building entrance (§2.3.1.B).

- **Update #2: Comment cleared.**

TR8. Show the location of 5 foot sidewalks according to City Standards along Loop 360. LDC, Sec. 25-6-352; TCM, 4.2.1.

- **Update #2: Comment pending. See TR10.**

TR9. FYI - Sidewalks are required along State highways except where prohibited by the Texas Department of Transportation. TCM, 4.2.5.

- **Update #2: Comment pending. See TR10.**

TR10. Sidewalks on State-maintained roadways must be approved by the Texas Department of Transportation. TCM, 4.2.5. A written sign-off from TXDOT is required prior to site plan release.

- **Update #2: Comment pending. This comment will clear after the approval from TxDOT is received.**

TR13. If a curb inlet is present, there must be 10 feet between the inlet opening and the edge of a driveway curb return. TCM, 5.3.1.A. Please note the distance between curb inlets and the edge of the adjacent driveway curb returns.

- **Update #2: Comment pending. Please contact this reviewer for additional information.**

TR14. Existing non-conforming driveways may be required to conform with City standards, including driveway closing and curb construction where appropriate. LDC, 25-6-295, 25-6-321, 25-6-322; TCM, 5.3.1.R.

- **Update #2: Comment cleared.**

TR15. Additional comments may be generated as more complete information is received.

AW Utility Development Services - Neil Kepple - 512-972-0077

WW1. The review comments will be satisfied once Pipeline Engineering has approved the water and

Water Quality Review - Benny Ho - 512-974-3402

wastewater utility plan. For plan review status, contact Larry Williams at 512-972-0340.

WQ1. Please clarify and provide detail including the down sprouts to show how stormwater runoff from DA1 enter to re-irrigation pond #1 and how drainage area DA#2 drains to re-irrigation pond #2.

Update 1. Who is MEP?

Re-submittal. Please provide means to assure MEP will assure achieving the proposed drainage pattern for the proposed site.

Re-submittal Update 1. Please place the second paragraph of the letter from Bay & associate starting with the sentence "The garage and building roof drains" and end twith the sentence ".....North storm sewer and bypass line" on the drainage plan.

Re-submittal Update 2. It appears that Sheet 18 cannot be located in the updated submitted plan. Please explain.

WQ2. This comment was cleared previously.

WQ3. Please show the irrigation area sizing calculation and provide explanation how the permeability was determined.

Update 1. This comment will be cleared when it has been addressed.

Re-submittal. This comment will be cleared when it has been addressed.

R4e-submittal Update 1. Please submit the testing procedure, the raw data collection and data deduction for review.

RE-submittal update 2. The response is accepted. This comment is cleared.

WQ4. Please demonstrate compliance to Section 1.6.7A (too many items missing and cannot be listed.). In general, need dual pumps with associated manifold and plug valves, wet well detail, alarm system detail etc.

Update 1. This comment will be cleared when it has been addressed.

Re-submittal.

a. Where are the required check valves?

Re-submittal Update 1. The plan has been revised. This comment is cleared.

b. Please specify the top of each the wet well to assure that it is above the top of pond.

Re-submittal Update 1. For pond 1, with the water quality elevation at 641.75, the required head to pass the 100-yr flow over the weir as 0.59 feet, the water will spill out from the top of the wet well at maximum ponding depth. Please revise, please also include the 0.25 ft free board, the minimum top of the wet well therefore should be at $641.75 + 0.59 + 0.25 = 642.59$. Please also specify the top of wet well on the plan.

Re-submittal Update 2. The plan has been revised. This comment is cleared.

c. For the section of pipe under the drive way, it must be sleeved with PVC 200 pipe (section 1.6.7A4e of ECM).

Re-submittal update 1. The plan has been revised. This comment is cleared.

d. Where are the Audio and visual alarm.

Re-submittal update 1. Please provide a schematic for the visual alarm to show that it is located at least five feet above grade as required by section 1.6.7 of the ECM.

Re-submittal update 2. The plan has been revised. This comment is cleared.

WQ5. This comment was cleared previously.

WQ6. This comment was cleared previously.

WQ7. This comment was cleared previously.

Environmental Review - Atha Phillips - 512-974-6303

Please be advised that additional comments may be generated as update information is reviewed. If an update has been rejected, reviewers are not able to clear comments based on phone calls, emails, or meetings, but must receive formal updates in order to confirm positive plan set changes.

Update 2 10/25/2016

Classified Waterways / CWQZ / Floodplain

EV 1 Cleared.

EV 2 It appears that no construction is allowed within the CWQZ unless it meets 13-5-232(d), please remove all construction out of the CWQZ.

Update 1 The Floodplain sets the CWQZ per the agreement; please provide an updated settlement agreement to clear this comment.

Update 2 Comment pending.

Hill Country Roadway

EV 3 Cleared.

Variance Comments

Variances needed:

1. Cut above 4' to 6.17' [13-15-235]
2. Fill above 4' to 9.34' [13-15-235]
3. Construction on Slopes [13-15-237(a)]

EV 4 Variance package preparation will not take place until review is substantially complete and the variance fee is paid. In addition, the project cannot go before the Environmental Board until the project is substantially compliant with Code.

Update 1 Comment pending.

Update 2 Comment pending.

EV 5 A Land Use Commission variance from LDC 13-15-235 is required. Please submit a request letter that identifies the scope of the variance and addresses the findings of fact per LDC 13-15-205. Contact staff to discuss proposed variance and determine information needed to assess and present the variance request.

Update 1 Comment pending.

Update 2 Comment pending.

EV 6 This comment pending variance approval. Please include a note on the cover sheet noting: "A Land Use Commission variance to Section 13-15-235 of the COA Land Development Code (1988), for cut/fill at depths from (fill in number) feet to (fill in number) feet, was been approved for this site by the Zoning and Platting Commission on (insert date)."

Update 1 Comment pending.

Update 2 Comment pending.

ESC and Tree Protection Requirements [LDC 25-7-61,65, 25-8-181,182,183,184]

EV 7-EV 10 Cleared.

Landscape Fees and ESC Fiscal Surety [LDC 25-1-82, 25-7-65, 25-8-234]

EV 11 Provide a fiscal estimate for erosion/sedimentation controls and revegetation based on Appendix S-1 of the Environmental Criteria Manual. For sites with a limit of construction greater than one acre, the fiscal estimate must include a \$3000 per acre of LOC clean-up fee. The approved amount must be posted with the City prior to permit/site plan approval. [LDC 25-8-186, ECM 1.2.1, ECM Appendix S-1]

Update 1 The fiscal is missing construction entrance cost and 609S cost for revegetation within the CWQZ. The Cleanup fee should match the entire LOC.

Update 2 Fiscal is approved and this comment will be cleared once posted.

EV 12 Payment of the landscape inspection fee is required prior to permit/site plan approval. Please obtain the invoice at Intake on the fourth floor. For questions regarding landscape fee amount, please call 512-974-6338. Payment of the fee is made at the first floor Cashier's Window. Upon payment, please notify the environmental reviewer.

Update 1 Comment pending.

Update 2 Comment pending.

Landscape and Tree Mitigation

EV 13 Mitigation for public tree removal (ROW tree removal) must be located in the ROW adjacent to the property or payment must be issued to the Planting for the Future Fund.

Update 1 Please account for site trees and ROW trees in two separate tables and use the standard mitigation table that breaks out size.

Update 2 Pending payment of \$4,900 into the PARD fund and \$97,900 into the Tree Mitigation fund.

EV 14 Cleared.

Update 1 New Comments

EV 15-EV 16 Cleared.

Update 2 New Comments

EV 17 After speaking with Chuck, the site will use buffer averaging to negotiate the CWQZ, please provide an exhibit within the site plan sheets that meets the current buffer averaging requirements. I have

removed the requirement for the variance pertaining to construction in the CWQZ for this project. These lines must show up boldly on all appropriate sheets.

AW Pipeline Engineering - Larry Williams - 512-972-0340


Red-lined comments have been provided on the plans submitted to the Development Service Department.

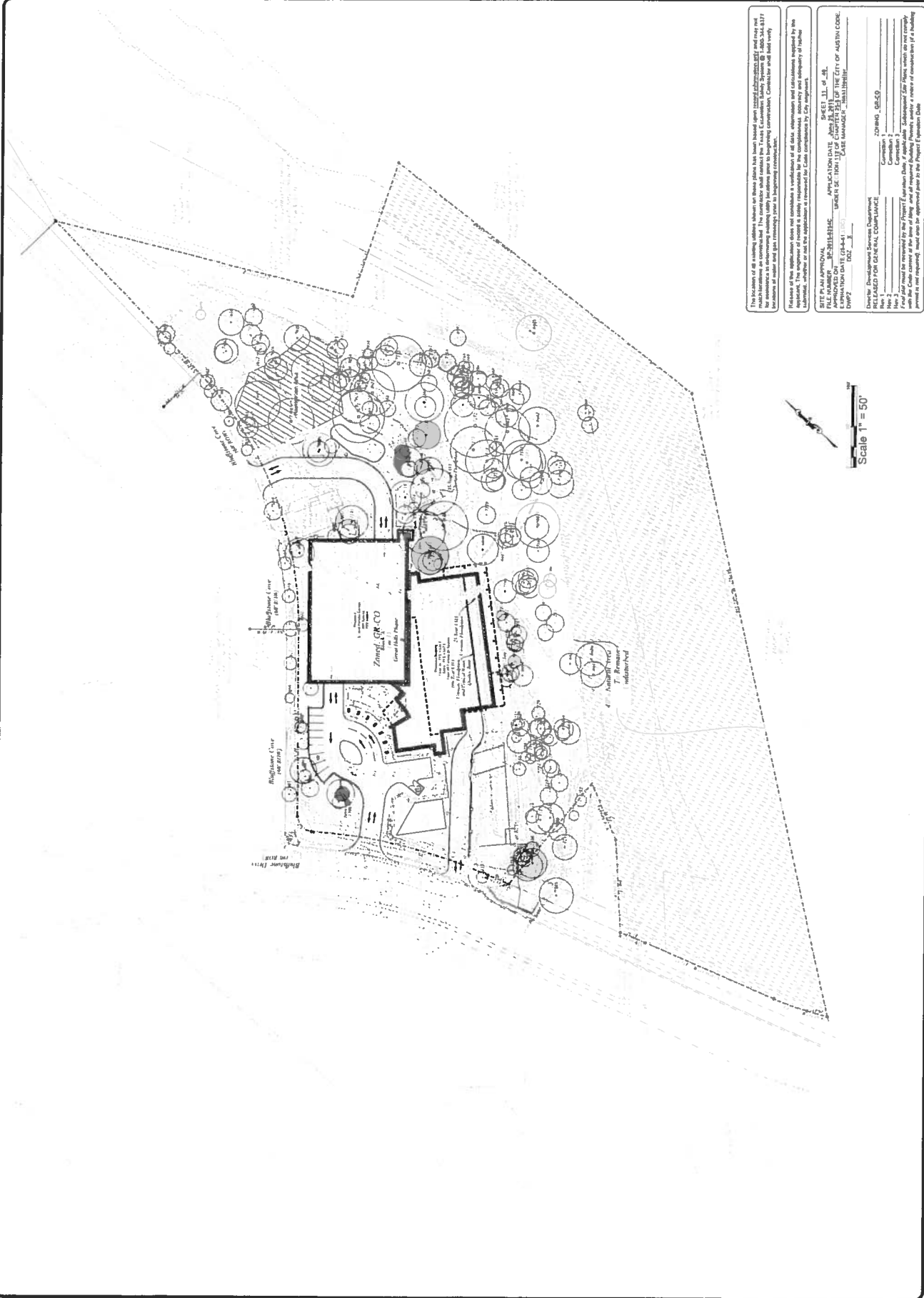
The red-lined plans are ready to be picked up at Waller Creek Center, 625 E. 10th Street, Suite #300, Austin, 78701.

The applicant is responsible for submitting the red-lined plans along with the updated revised plan set to the Development Services Department as part of the formal update submittal process. If the red-lined plans are not submitted with the formal update, the formal update will not be accepted for review by the Development Services Department.

Effective November 9th, Austin Water Utility's Utility Development Services which includes AWU Pipeline Engineering Review will be integrated into the formal AMANDA comment review process for all site development permit applications. AWU Pipeline Engineering staff will no longer be clearing site development permit comments via appointment at Waller Creek Center, plan changes to address AWU comments must be included with the formal update submittal. Effective November 9th applicants must include AWU's redline markups, clearly labeled for AWU distribution to the AWU Pipeline Engineering reviewer, with all formal updates on projects that contain outstanding AWU comments or the submittal will be considered incomplete and will not be accepted by intake staff.

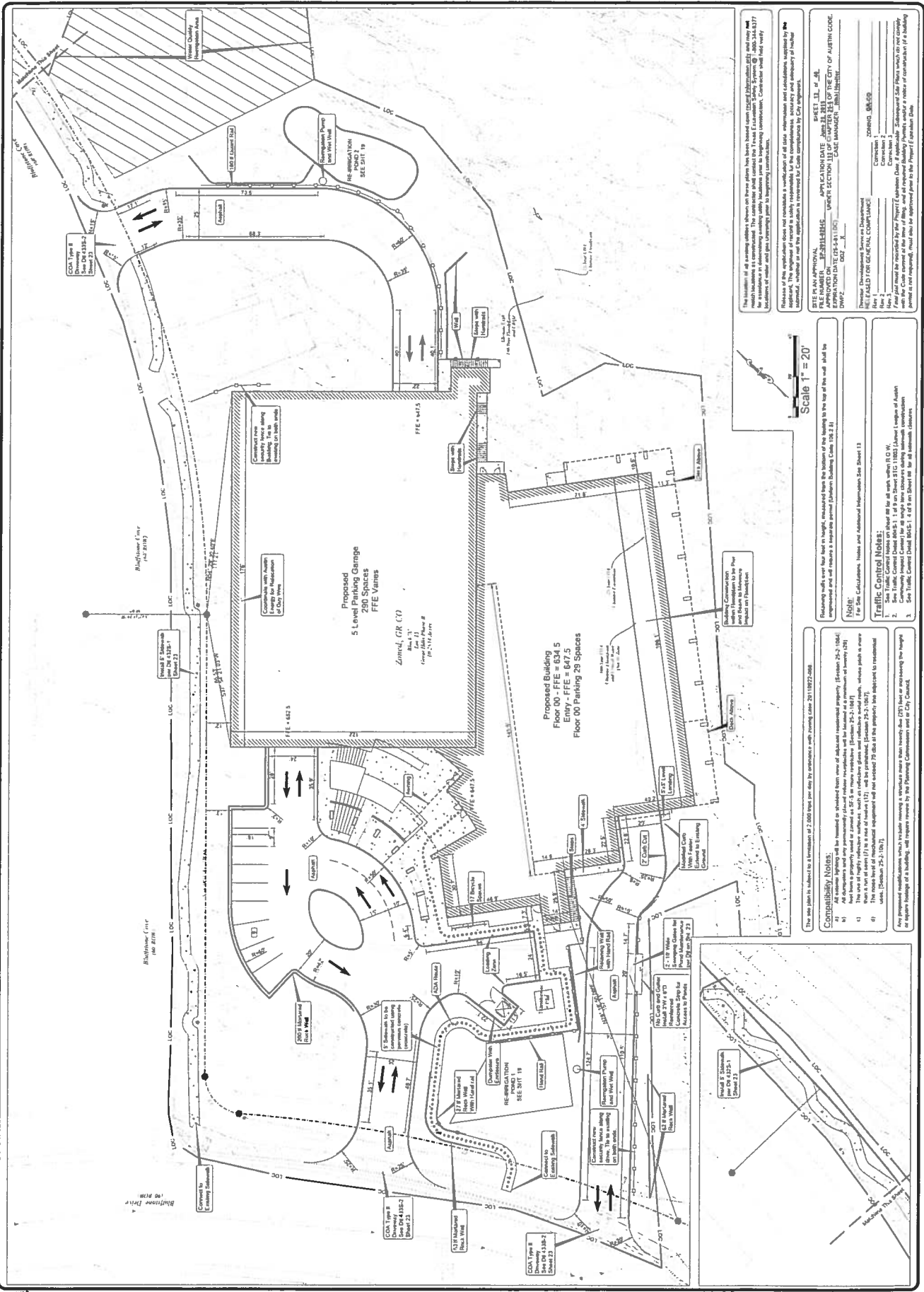
End of report

REVISIONS/CORRECTIONS NO. _____ DESCRIPTION _____ CITY APPROVAL _____		GARRETT-IHNEN CIVIL ENGINEERS 12007 TECHNOLOGY BLVD SUITE 110 AUSTIN, TEXAS 78727 TEL: PHONE 512-454-2400 FAX: 512-454-2430 TOLL FREE 1-800-454-2430				Overall Site Plan Austin, TX 78759 5330 Burlingstone Lane Community Impact Center Junior League of Austin		SHEET NUMBER 11 of 40
DATE _____	CITY APPROVAL _____							
DESIGNED BY: JH	CITY APPROVAL _____							
CHECKED BY: JH	CITY APPROVAL _____							
JOB NO.: 818-1188	CITY APPROVAL _____							



SP-2775-0742

DATE: 11/14/15	DESIGNED BY: C. J. J. J.	CHECKED BY: J. J. J.	IN CHARGE: J. J. J.
REVISIONS/CORRECTIONS			
NO.	DESCRIPTION	DATE	BY
1	REVISION	11/14/15	J. J. J.
2	REVISION	11/14/15	J. J. J.
3	REVISION	11/14/15	J. J. J.
4	REVISION	11/14/15	J. J. J.
5	REVISION	11/14/15	J. J. J.
6	REVISION	11/14/15	J. J. J.
7	REVISION	11/14/15	J. J. J.
8	REVISION	11/14/15	J. J. J.
9	REVISION	11/14/15	J. J. J.
10	REVISION	11/14/15	J. J. J.



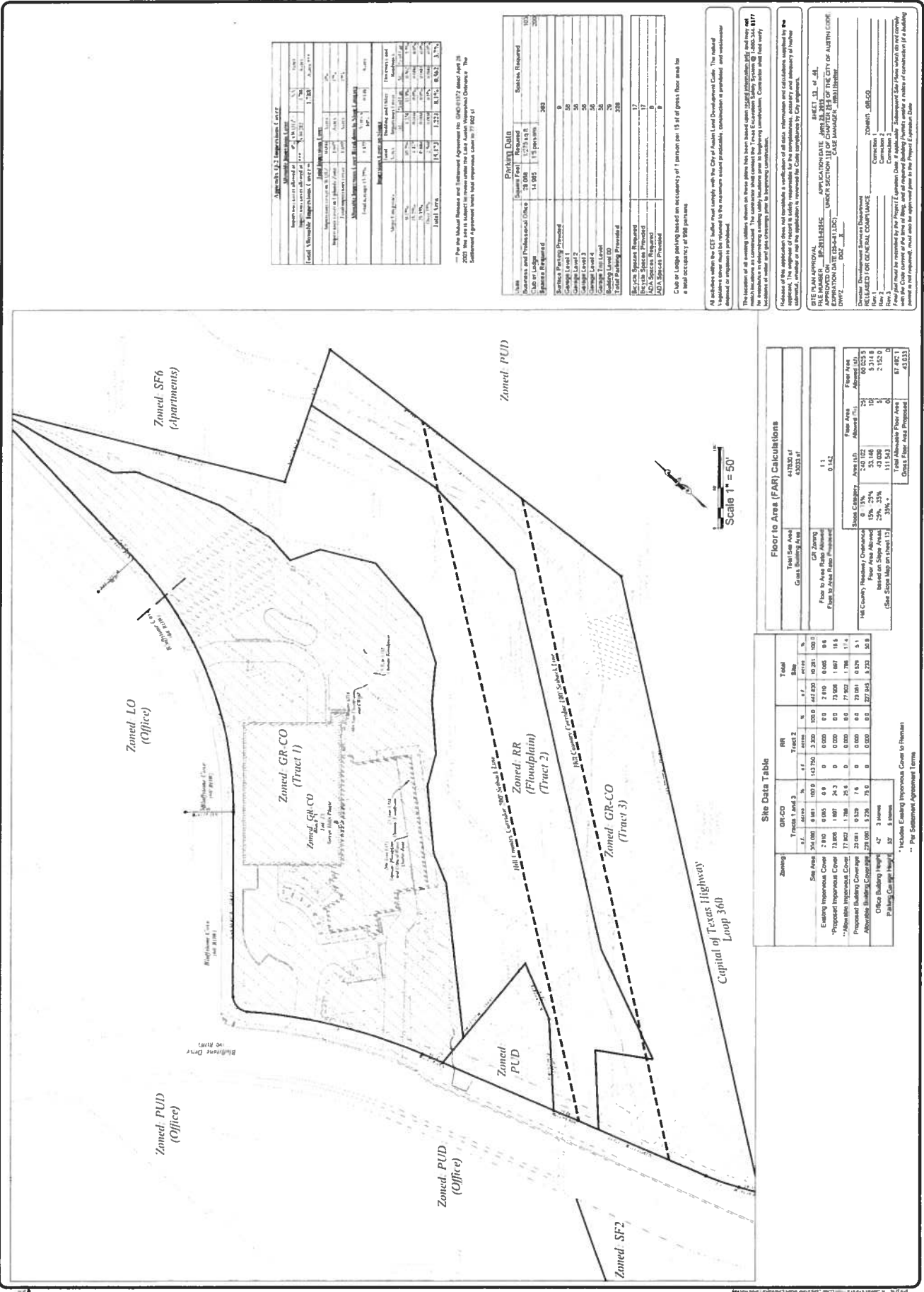
DATE: 11/14/14
DESIGNED: JRM
CHECKED: JRM
JOB NO.: 1514-14

REVISIONS/CORRECTIONS

GARRETT-HENNE CIVIL ENGINEERS
1207 TECHNOLOGY BLVD
SUITE 150
AUSTIN, TEXAS 78722
PHONE: (512) 454-2400
FAX: (512) 454-2420
TSSC FIRM NO. F-430

JUNIOR LEAGUE OF AUSTIN
5330 BLUFFSTONE LANE
AUSTIN, TX 78759
Site Calculations and Zoning

SHEET NUMBER
13 of 40



SP-2015-0254C

A

Environment Variances

Support documents

**ENVIRONMENTAL COMMISSION MOTION 20170118 008a**

Date: January 18, 2017

Subject: Junior League of Austin Community Impact Center SPC-2016-0055C

Motion by: Hank Smith

Seconded by: Mary Ann Neely

RATIONALE:

Whereas, in accordance with the staff report the findings of fact have been met and staff recommends approval; and

Whereas, the proposed development is subject to a settlement agreement with the City of Austin that will need to be amended to allow a relatively small encroachment into the Critical Water Quality Zone, which staff has agreed to in exchange for terminating the agreement upon development in accordance with this permit.

Therefore, the Environmental Commission recommends Support of the request for variances to allow cut above 4' (up to 5.57' section 13-15-235), allow fill above 4' (up to 5.3' section 13-15-235) and allow construction on slopes (Section 13-15-237(a)) with the following:

Staff Conditions: The settlement agreement is void when this development is complete and all future development or redevelopment is subject to regulations in effect at time of application;

Environmental Commission Conditions: With regard to trees 7120 and 7136, the applicant shall evaluate preserving these trees by modifications to the site layout, to preserve the ½ critical root zone and protection of the canopy, including evaluating impacts to the existing COA detention pond, evaluating the configuration vertically and horizontally for the proposed driveway, and the configuration of the building and parking garage for tree 7136. If staff determines the modification of the site plan is not feasible, the tree relocation shall be evaluated by a professional tree relocation consultant. If feasible, the trees shall then be relocated.

The applicant will not request any modifications to the existing settlement agreement with the City of Austin beyond what is already required to obtain this site development permit.

VOTE 10-0

For: Creel, Guerrero, Perales, Thompson, Neely, Moya, Maceo, H. Smith, Grayum, B. Smith

Against: None

Abstain: None

Recuse: None

Absent: None

Approved By:

Marisa Perales, Environmental Commission Chair

DRAFT



MEMORANDUM

TO: Chair Marisa Perales and Members of the Environmental Commission

FROM: Atha Phillips, Environmental Review Specialist Senior
Development Services Department

DATE: January 11, 2017

SUBJECT: Junior League of Austin Community Impact Center
Case No. SPC-2016-0055C

On the January 18th agenda is a request for the consideration of a variance to allow:

1. Cut above 4' to 5.57' [13-15-235]
2. Fill above 4' to 5.3' [13-15-235]
3. Construction on Slopes [13-15-237(a)]

Property Location and Existing Condition

The property is located at 5330 Bluffstone Lane. Adjacent uses include office space, single family and multi-family. The property consists of one platted tract. According to the Texas Central Appraisal District, there are no existing improvements on the land, although retaining walls and a concrete slab exist from a previous homestead.

Bull Creek runs along the eastern portion of the lot and the lot which slopes from 654 at Bluffstone Lane to 614 at the creek, an elevation change of 40'.

Watershed Data

The property has a gross site area of 10.283 acres. A Critical Water Quality Zone (CWQZ) and Water Quality Transition Zone associated with Bull Creek extend onto the property. The property is located within the Bull Creek Watershed, which is classified as Water Supply Suburban Watershed within the Drinking Water Protection Zone, and the property is not located within the Edwards Aquifer Recharge Zone.

Jurisdictional Data

The property is within the City of Austin full purpose jurisdiction.

CEFs

The site has four (4) critical environmental features (CEFs); two occurrences of canyon rimrock (CEF1 and CEF4), a bluff (CEF2), and a small wetland (CEF 3) were observed on the property. See Environmental Resource Inventory for map of CEFs.

Proposed Development

The applicant is proposing a three story office building and a five story parking garage, three access drives totaling 66,174 square feet (1.52 acres) of impervious cover and two re-irrigation ponds. The project is zoned GR-CO which allows for the office building and club/lodge zoning that is intended. The club/lodge use is a Conditional Use that will require approval by the Planning Commission.

The proposed development is subject to a settlement agreement with the City of Austin which entitles the property to be developed under the Land Development Code of May 25, 1988. For environmental considerations this means:

1. CWQZ is delineated by the 100 year floodplain
2. 1988 Comprehensive Watershed Ordinance applies
3. Impervious cover is limited to a maximum of 77,902 square feet (1.8 acres)
4. Hill Country Roadway Ordinance applies
5. Must provide structural retention/re-irrigation water quality treatment
6. Protected Tree Ordinance of trees 19" and greater applies

Under current regulations the entire parcel is within the CWQZ and is limited to 40% net site area. Under net site area calculations the site would have no impervious cover available.

The proposed development will require the settlement agreement be amended to allow a relatively small encroachment into the CWQZ (see applicant's exhibit) defined by the settlement agreement, which staff has agreed to in exchange for terminating the settlement agreement once this development is constructed. Staff recommends that condition also be required as a condition of granting the requested variances.

The applicant is also seeking a Hill Country Roadway density bonus to gain an addition 13 feet in height and a Conditional Use Permit for the proposed use. Those requests must be approved by the Planning Commission.

Variance Request

1. Cut above 4' to 5.57' [13-15-235]
2. Fill above 4' to 5.3' [13-15-235]
3. Construction on Slopes [13-15-237(a)]

Conditions for Staff Approval

Amend settlement agreement to:

1. State that the settlement agreement is void when this development is complete and that all future development or redevelopment is subject to regulations in effect at time of application.

Recommendation

The Findings of Fact have been met. Staff recommends approval of the variance with the above condition.



Development Services Department
Staff Recommendations Concerning Required Findings

Project: Junior League of Austin Community Impact Center
5330 Bluffstone Lane
Ordinance Standard: Land Development Code Section 13-15-235(b)
Variance Request: Cut above 4' to 5.57'

Justification:

1. Land Use Commission variance determinations from Chapter 13-15, Article II-Comprehensive Watersheds Ordinance:
 - a. Because of special circumstances applicable to the property involved, a strict application of the provisions prevents the owner of the property from enjoying the privileges or safety associated with other similarly situated property with similarly timed development.
Yes, the cut requested is needed for the water quality re-irrigation pond and since the property is sloping towards the creek a cut is required to contain the storm water and minimize the footprint of the pond and allows for the preservation of more trees on-site.
2. The variance:
 - a. Is the minimum departure from the terms of this article and other ordinance requirements necessary to avoid such deprivation of privileges enjoyed by other property owners.
Yes, the amount of cut requested is the amount needed to provide adequate storm water detention.
 - b. Is the minimum departure from the terms of this article and other ordinance requirements necessary to facilitate a reasonable use which will not create significant probabilities of harmful environmental consequences.
Yes, the cut requested will be stabilized and is necessary to provide adequate water quality needed for the project.
 - c. Does not provide the applicant with any special privileges not enjoyed by other similarly situated property with similarly timed development.
Yes, all developments old and new are required to provide similar ponds as part of their water quality.

- d. Is not based on a special or unique condition which was created as a result of the method by which a person voluntarily subdivides or develops land.

Yes, any development on this particular piece of property would likely require this variance due to the on-site typography.

Staff Conditions associated with this variance:

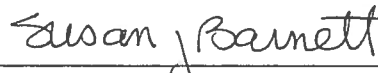
Amend settlement agreement to:

1. State that the settlement agreement is void when this development is complete and that all future development or redevelopment is subject to regulations in effect at time of application.

Environmental Review:


Atha Phillips

Environmental Program Manager:


Sue Barnett

Environmental Officer:


Chuck Lesniak



Development Services Department
Staff Recommendations Concerning Required Findings

Project: Junior League of Austin Community Impact Center
5330 Bluffstone Lane
Ordinance Standard: Land Development Code Section 13-15-235(a)
Variance Request: Fill above 4' to 5.3'

Justification:

1. Land Use Commission variance determinations from Chapter 13-15, Article II-Comprehensive Watersheds Ordinance:
 - a. Because of special circumstances applicable to the property involved, a strict application of the provisions prevents the owner of the property from enjoying the privileges or safety associated with other similarly situated property with similarly timed development.
Yes, the property is located in an area where slopes present on site require fill to make smooth transitions from the road ROW to the building, as well as to create a level truck delivery access for the owner's food bank deliveries.
2. The variance:
 - a. Is the minimum departure from the terms of this article and other ordinance requirements necessary to avoid such deprivation of privileges enjoyed by other property owners.
Yes, staff has worked with the applicant to decrease the amount of fill required. The applicant will be employing alternative construction methods to minimize the amount of fill needed.
 - b. Is the minimum departure from the terms of this article and other ordinance requirements necessary to facilitate a reasonable use which will not create significant probabilities of harmful environmental consequences.
Yes, all proposed fill will be stabilized using a method to prevent erosion and to limit the area of disturbance.
 - c. Does not provide the applicant with any special privileges not enjoyed by other similarly situated property with similarly timed development.
Yes, similar properties with similar development have received such variances.

- d. Is not based on a special or unique condition which was created as a result of the method by which a person voluntarily subdivides or develops land.

Yes, any development on this particular piece of property would require a variance due to the on-site typography that places much of the land below the street elevation.

Staff Conditions associated with this variance:

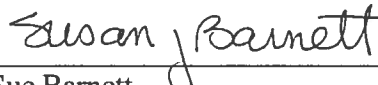
Amend settlement agreement to:

1. State that the settlement agreement is void when this development is complete and that all future development or redevelopment is subject to regulations in effect at time of application.

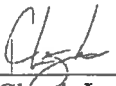
Environmental Review:


Atha Phillips

Environmental Program Manager:


Sue Barnett

Environmental Officer:


Chuck Lesniak



Development Services Department
Staff Recommendations Concerning Required Findings

Project: Junior League of Austin Community Impact Center
5330 Bluffstone Lane
Ordinance Standard: Land Development Code Section 13-15-237(a)
Variance Request: Construction on slopes in excess of 15%

Justification:

1. Land Use Commission variance determinations from Chapter 13-15, Article II-Comprehensive Watersheds Ordinance:
 - a. Because of special circumstances applicable to the property involved, a strict application of the provisions prevents the owner of the property from enjoying the privileges or safety associated with other similarly situated property with similarly timed development.
Yes, the property is located in an area where slopes are common and the development contemplated under the settlement agreement with the City would likely not be feasible without the variance.
2. The variance:
 - a. Is the minimum departure from the terms of this article and other ordinance requirements necessary to avoid such deprivation of privileges enjoyed by other property owners.
Yes, the development on slopes proposed has been reduced to the minimum amount needed.
 - b. Is the minimum departure from the terms of this article and other ordinance requirements necessary to facilitate a reasonable use which will not create significant probabilities of harmful environmental consequences.
Yes, the slopes are a small amount within the driveway and will be stabilized to prevent erosion.
 - c. Does not provide the applicant with any special privileges not enjoyed by other similarly situated property with similarly timed development.
Yes, the property is located in an area with substantial slopes and similar properties with similar development have received such variances.

- d. Is not based on a special or unique condition which was created as a result of the method by which a person voluntarily subdivides or develops land.

Yes, the buildable area within the lot has been constrained due to existing environmental factors such as 4 CEFs, Bull Creek CWQZ, and floodplain.

Staff Conditions associated with this variance:

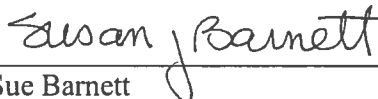
Amend settlement agreement to:

1. State that the settlement agreement is void when this development is complete and that all future development or redevelopment is subject to regulations in effect at time of application.

Environmental Review:


Atha Phillips

Environmental Program Manager:


Sue Barnett

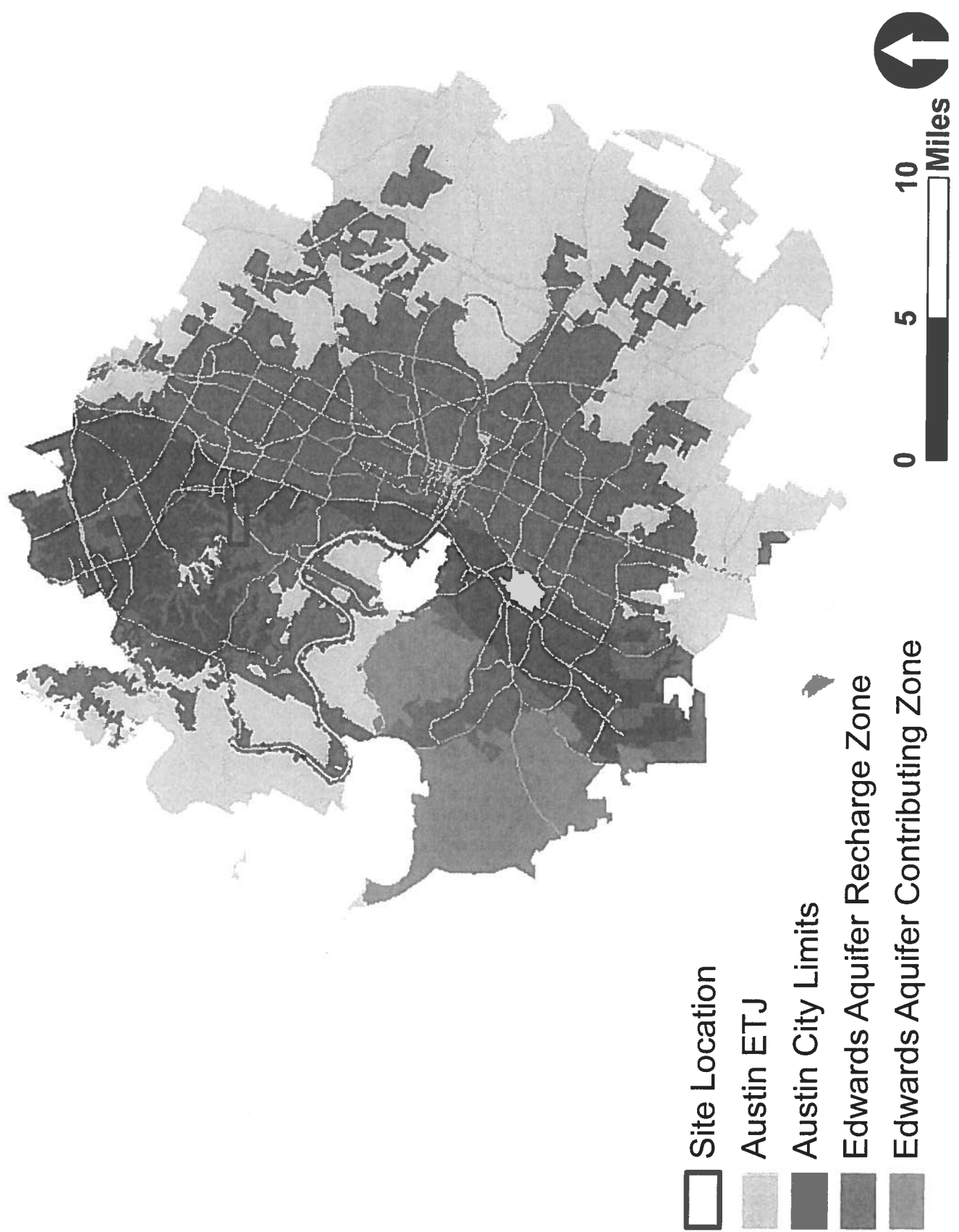
Environmental Officer:


Chuck Lesniak

JUNIOR LEAGUE OF AUSTIN

**5330 BLUFFSTONE LANE
SPC-2016-0055C**

***Atha Phillips
Environmental Review Specialist Senior
Development Services Department***





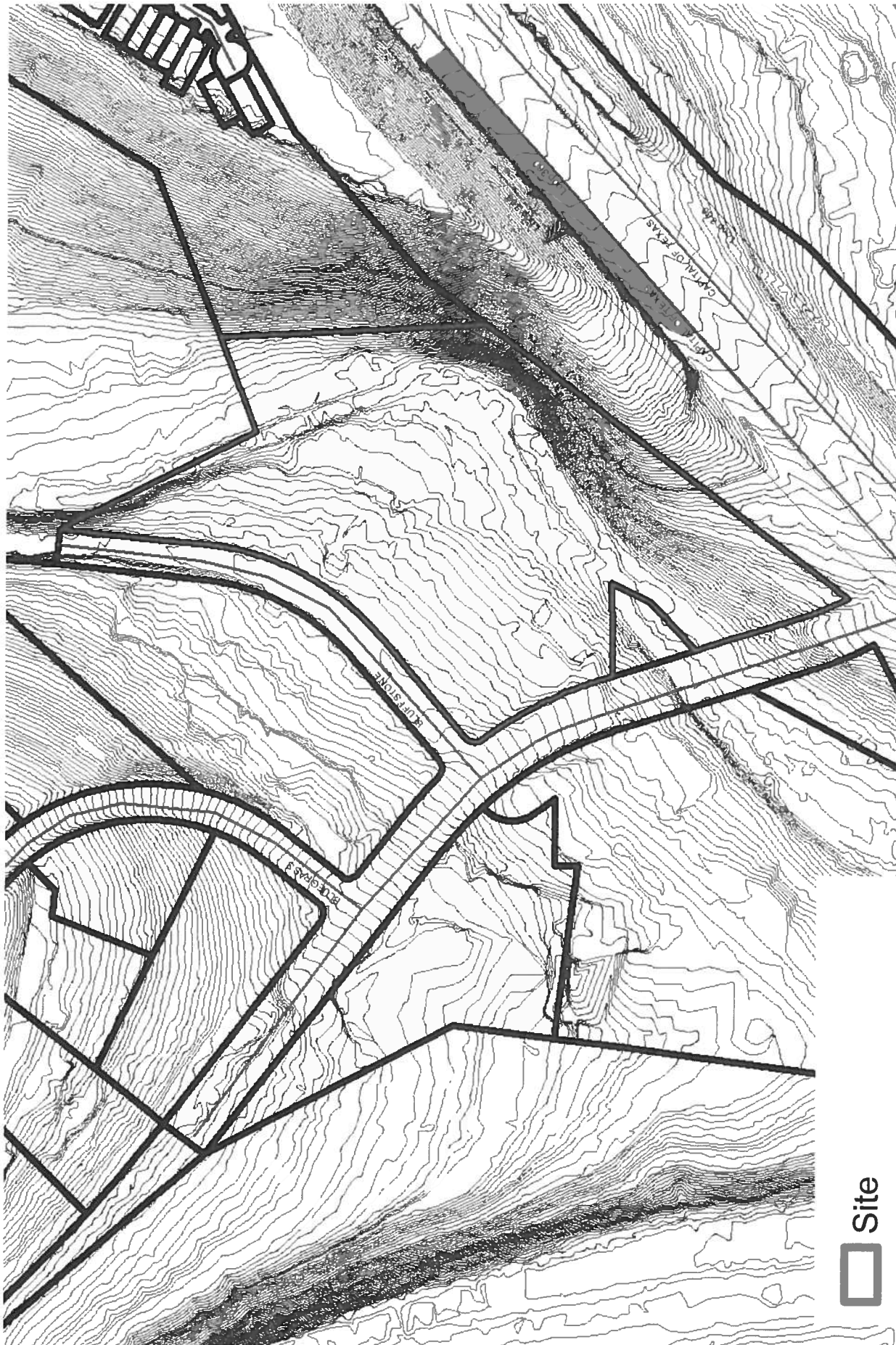
Site

TCAD Parcels



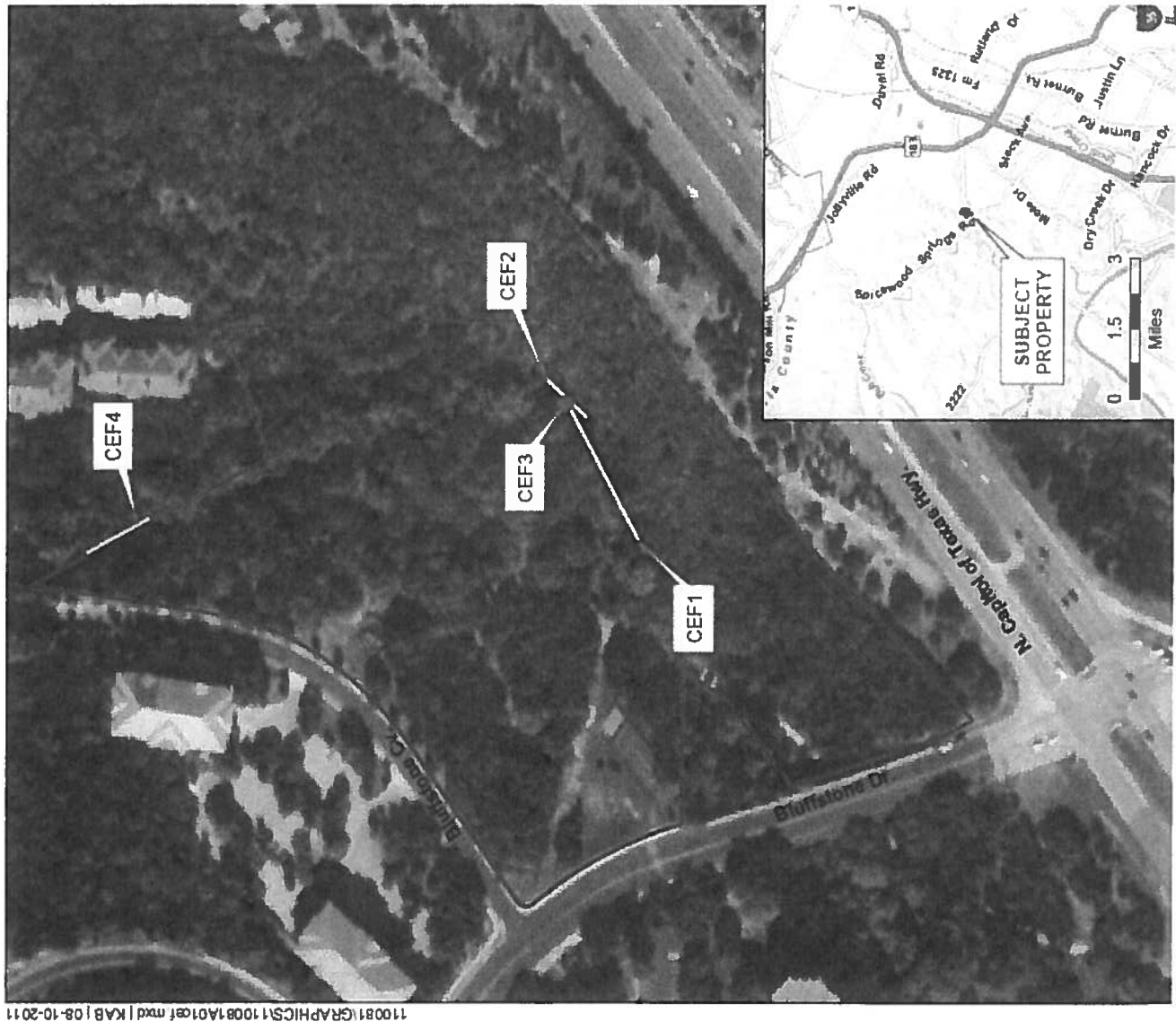
☐ Site

☐ TCAD Parcels



PROPERTY DATA

- Bull Creek Watershed
- Water Supply Suburban
- Drinking Water Protection Zone
- Full Purpose Jurisdiction
- Not located over Edwards Aquifer Recharge Zone
- (4) Critical Environmental Features
- Council District 10

CEF 1-Rimrock**CEF 2-Rimrock****CEF 3-Wetland****CEF 4-Rimrock**

BACKGROUND

Subject to:

- A Settlement Agreement and the code of May 1988
- 1988 Comprehensive Watershed Ordinance
- Allowed maximum impervious cover of 77,902 square feet
- Hill Country Roadway Ordinance
- Protected Tree Ordinance-19” and greater
- Structural retention/re-irrigation water quality treatment

APPLICABLE CODE

LDC 13-15 (1988)

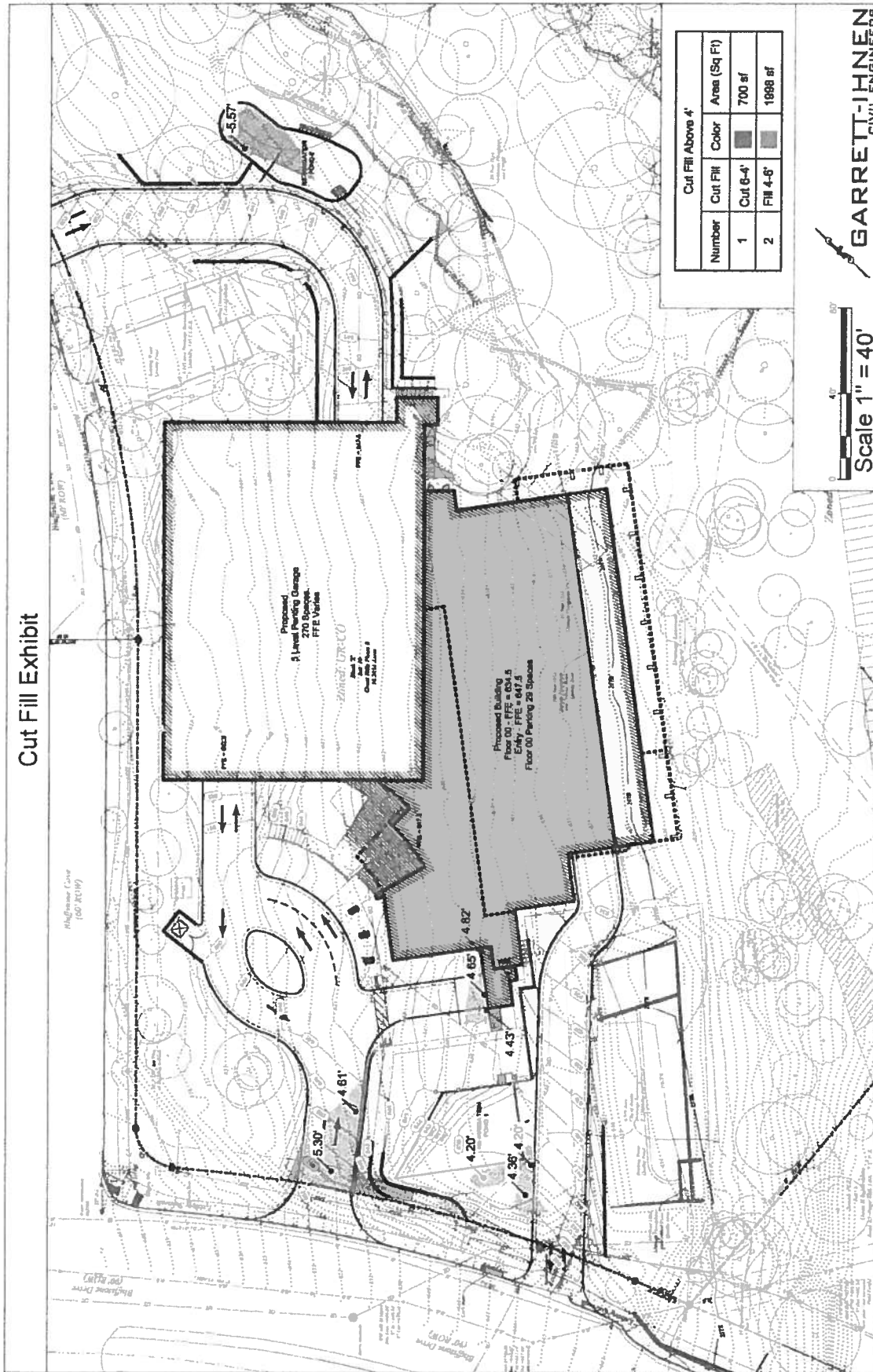
Fill above 4' to 5.3' [13-15-235(a)]

No fill on any lot or other land within the subdivision, except within the roadway right-of-way, shall exceed a maximum of (4) feet of depth.

Cut above 4' to 5.57' [13-15-235(b)]

No cut on any lot or other land within the subdivision, except within the roadway right-of-way, shall exceed a maximum of (4) feet of depth.

Cut Fill Exhibit



APPLICABLE CODE

LDC 13-15 (1988)

Construction on Slopes [13-15-237(a)]

No roadways or driveways shall be constructed on slopes in excess of fifteen (15) percent except where necessary to provide primary access to areas of flatter slopes, constituting a minimum of two (2) contiguous acres or building sites for at least five (5) residential units.



VARIANCE REQUEST

Variance Request

- Cut above 4' to 5.57' [13-15-235]
- Fill above 4' to 5.3' [13-15-235]
- Construction on Slopes [13-15-237(a)]

VARIANCE RECOMMENDATION

Variance is recommended with following condition:

Amendment to the Settlement Agreement to:

1. State that the settlement agreement is void when this development is complete and that all future development or redevelopment is subject to regulations in effect at time of application.

[illegible]

Documentation
provided by the
Applicant

**ENVIRONMENTAL COMMISSION VARIANCE APPLICATION FORM**

PROJECT DESCRIPTION**Applicant Contact Information**

Name of Applicant	Junior League of Austin
Street Address	8501 Bluffstone Cove
City State ZIP Code	Austin, TX 78759
Work Phone	512-467-8982
E-Mail Address	president@jlaaustin.org

Variance Case Information

Case Name	Junior League of Austin
Case Number	SPC-2016-0055C
Address or Location	8501 Bluffstone Cove
Environmental Reviewer Name	Atha Phillips
Environmental Resource Management Reviewer Name	Chuck Lesniak
Applicable Ordinance	Comprehensive Watershed Ordinance
Watershed Name	Bull Creek
Watershed Classification	<input type="checkbox"/> Urban <input type="checkbox"/> Suburban <input checked="" type="checkbox"/> Water Supply Suburban <input type="checkbox"/> Water Supply Rural <input type="checkbox"/> Barton Springs Zone

Edwards Aquifer Recharge Zone	<input type="checkbox"/> Barton Springs Segment <input checked="" type="checkbox"/> Not in Edwards Aquifer Zones	<input type="checkbox"/> Northern Edwards Segment
Edwards Aquifer Contributing Zone	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Distance to Nearest Classified Waterway	140'	
Water and Waste Water service to be provided by	Austin Water	
Request	The variance request is as follows (Cite code references): LDC 13-15-235 – Cut and Fill above 4' (CWO) LDC 13-15-237 – Construction on slopes above 15% (CWO)	

Impervious cover	Existing	Proposed
square footage:	<u>2,810</u>	<u>66,174</u>
acreage:	<u>0.065</u>	<u>1.519</u>
percentage:	<u>0.9</u>	<u>21.8</u>

Provide general description of the property (slope range, elevation range, summary of vegetation / trees, summary of the geology, CWQZ, WQTZ, CEFs, floodplain, heritage trees, any other notable or outstanding characteristics of the property)	<p>The property is located between Bluffstone Cove and a tributary of Bull Creek. The topography ranges from elevation 659 at the corner of Bluffstone Cove and Bluffstone Drive down to elevation 612 at the tributary.</p> <p>Only 23% of the site is usable [outside of the 40% natural buffer area, outside of the Critical Water Quality Zone (outside of the natural buffer), outside of Critical Environmental Feature setbacks (outside of the natural buffer), not involved with existing water quality ponds, and outside of areas with slopes >35%. Further, the usable site is reduced to 19% if you consider limitations on construction on slopes greater than 15%.</p> <p>The property has several juniper and oak trees, many of which are designated as protected under the CWO.</p> <p>The development has been designed so that a large majority of the protected trees are preserved. A FEMA floodplain and Critical Water Quality Zone are located on the property and are within a drainage easement.</p> <p>Critical Environmental Features are located within the property along the tributary. The development is located away from those features.</p>
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Clearly indicate in what way the proposed project does not comply with current Code (include maps and exhibits)

See attached Exhibits.

One small area of fill greater than 4' exist on the entry drive due to the steep slopes resulting from the construction of Bluffstone Drive. Fill was placed under the drive in order to lessen the slope into the site.

A small area of fill greater than 4' exists adjacent to the proposed retention/re-irrigation pond required by the Settlement Agreement to the southwest of the building. This is necessary to allow adequate site drainage.

A small area of cut greater than 4' exists coincident with another retention-re-irrigation pond (required by the Settlement Agreement) to the northeast of the building.

A small area of construction on slopes greater than 15% exists on the entry drive due to the steep slopes resulting from the construction of Bluffstone Drive.

The total cut >4' requested is 700 square feet (0.16% of the total site).

The total fill >4' requested is 1,998 square feet (0.45% of the total site).

The total construction on slopes greater than 15% requested is 739 square feet (0.17% of the total site).

FINDINGS OF FACT

As required in LDC Section 25-8-41, in order to grant a variance the Land Use Commission must meet the findings of fact associated with the applicable regulations for the site. In this case, these regulations are the Comprehensive Watershed Ordinance.

The Junior League of Austin's (JLA) proposed Community Impact Center (CIC) is requesting variances from the following sections of the 1987 Comprehensive Watershed (Ordinance), per Settlement Agreement NO. GNO-01372 dated April 21, 2003.

1. **§13-15-235 (Cut/Fill above 4 feet):** Cut: 700 SF of cut between 4 feet and 6 feet.
Fill: 1,998 SF of fill between 4 feet and 6 feet.
2. **§13-15-237 (Construction on slopes greater than 15%):** 739 SF of construction proposed on slopes greater than 15%.

FINDINGS OF FACT PER 1987 COMPREHENSIVE WATERSHED ORDINANCE

§13-15-205(a)(1): The Planning Commission must find that, because of special circumstances applicable to the property involved, a strict application of the provisions prevents the owner of the property from enjoying the privileges or safety associated with other similarly situated property with similarly timed development.

There are at least 10 projects in the last 10-15 years in water supply suburban watersheds, within the Hill Country Roadway Corridor, with steep slopes, that have been granted significant variances to the limitations on cut/fill and construction on slopes > 15%.

The strict application of these Code provisions within the limitations of the site's appreciable slope, setback, and buffering constraints in light of the fact that these other projects have been granted similar variances in similarly constrained environments make it readily apparent that denying these variances would prevent the Junior League from enjoying the privileges or safety associated with other similarly situated property with similarly timed development.

§13-15-205(a)(1) continued: Where such conditions are found, the variance permitted shall be the minimum departure from the terms of this article and other ordinance requirements necessary to avoid such deprivation of privileges enjoyed by other property owners...

There is 700 SF of cut between 4 feet and 6 feet, equating to approximately 0.16% of the site. There is 1,998 SF of fill between 4 feet and 6 feet, largely associated with retention/reirrigation ponds required by the Settlement Agreement and equating to approximately 0.45% of the site.

There is only 739 SF of construction proposed on slopes greater than 15%, which is less than 0.17% of the site.

§13-15-205(a)(1) continued: ... and to facilitate a reasonable use which will not create significant probabilities of harmful environmental consequences.

100% of the cut/fill proposed "is not located on a slope with a gradient of more than 15 percent or within 100 feet of a classified waterway" – a standard in today's code related to environmentally acceptable cut/fill locations.

Additionally, all cut/fill above 4 feet, and construction on slopes >15%, will be structurally contained, so the potential for long-term erosion is negated.

Additionally, the site is treated to a non-degradation standard through the use of retention/re-irrigation systems, so the water quality standards are much more robust than other similar properties in the Bull Creek watershed.

This demonstrates that the use as proposed will not create "significant probabilities of harmful environmental consequences."

§13-15-205(a)(1) continued: ...The Planning Commission may not grant a variance if it provides the applicant with any special privileges not enjoyed by other similarly situated property with similarly timed development...

There are at least 10 projects in the last 10-15 years in water supply suburban watersheds, within the Hill Country Roadway Corridor, with steep slopes, that have been granted significant variances to the limitations on cut/fill and construction on slopes > 15%.

§13-15-205(a)(1) continued: ... or if based on a special or unique conditions which was created as a result of the method by which a person voluntarily subdivides or develops land.

The Owner of this property has a right to develop the property under the terms of the Settlement Agreement described above. This Settlement Agreement requires, among other items:

1. A maximum impervious cover of 77,902 SF; and
2. Retention/reirrigation systems to be employed for water quality purposes on the site.

Further, the following additional limitations make only 19% of the site usable with no limitations due to slope:

1. 40% Natural Area buffer
2. Critical Water Quality Zone outside of the buffer
3. Critical Environmental Features Setback outside of the buffer
4. Public water quality ponds
5. Slopes > 35% outside of buffer
6. Slopes between 25-35% outside of buffer
7. Slopes between 15-25% outside of buffer

The facts above severely limit the area available for development, and the applicant has selected the location, the type of construction, the height of the buildings, etc. to minimize the environmental variances necessary, and the extent of any necessary variances:

§13-15-235 (Cut above 4 feet): The 700 SF of cut between 4 feet and 6 feet is associated specifically with the location required for a retention/re-irrigation pond to the east of the proposed structure. The small window available for development on the site requires separate retention/re-irrigation facilities due to the topographic constraints, Critical Environmental Feature buffers, protected trees, floodplain, and waterway setbacks on the site. This eastern pond is required to treat runoff from a portion of the garage and the eastern entrance to that garage.

§13-15-235 (Fill above 4 feet): The 1,998 SF of fill between 4 feet and 6 feet is associated with the western retention/re-irrigation pond required by the Settlement Agreement, the primary entry drive onto the site, and a required loading area on the south side of the building.

Due to the significant slope constraints on the site, the entry drive has been located to minimize cut/fill, impervious cover, and to avoid trees, while still providing access to the site.

The same small window available for development on the site requires separate retention/re-irrigation facilities due to the topographic constraints, Critical Environmental Feature buffers, and waterway setbacks on the site. The western pond has been located to provide the required treatment of runoff from the Community Impact Center, a portion of the parking garage, and the western drive/entrance to the site, and is located in a fashion to minimize cut/fill. The fill is necessary to maintain adequate site drainage.

The fill associated with the required loading area has been significantly reduced and again is a function of the extremely tight development window and the need for access to the site by larger trucks supporting the weekly Junior League Food In Tummies (F.I.T.) program, among other things.

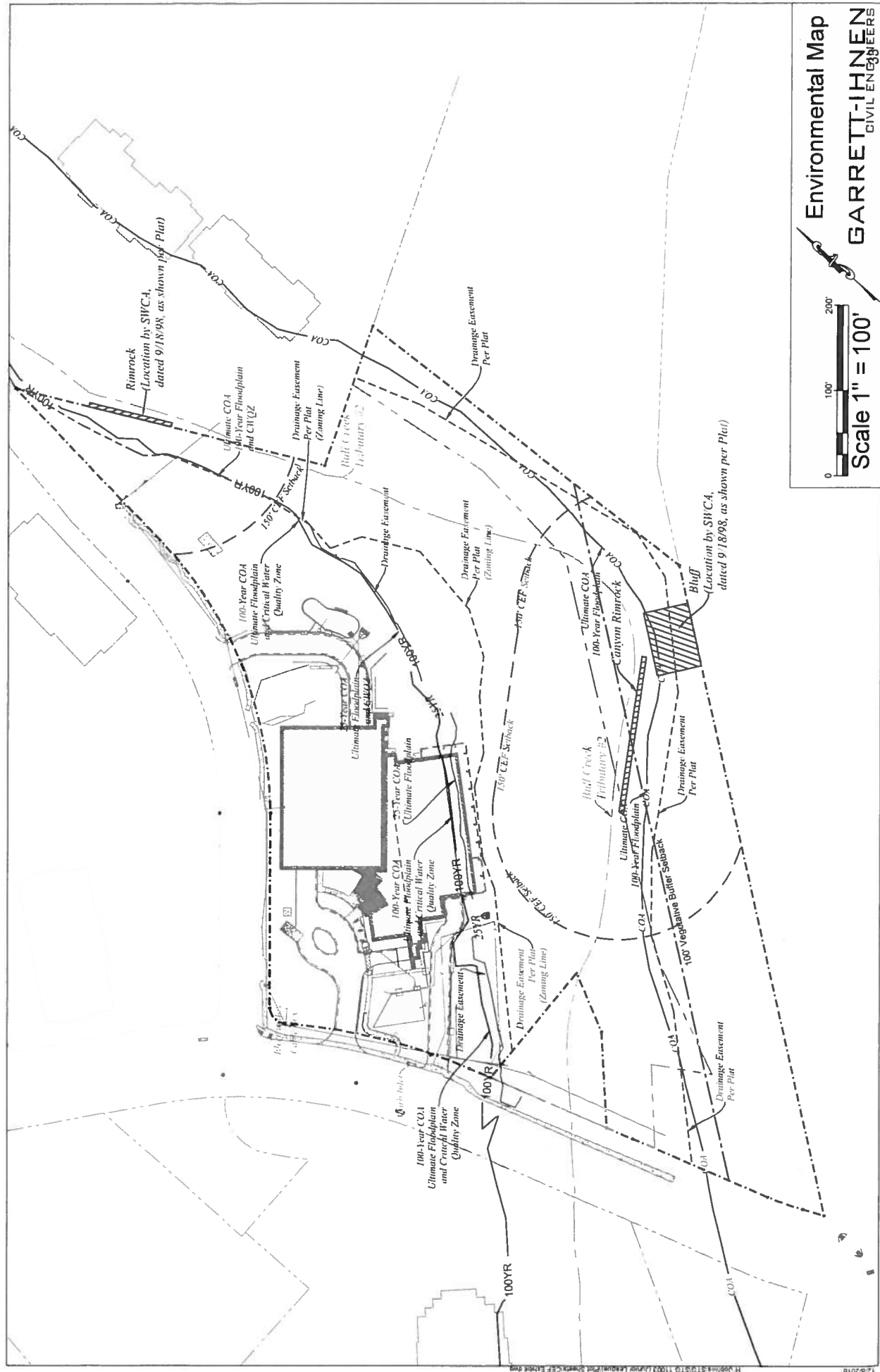
The entrance to the facility has been designed using piers, and cantilevering to minimize the fill necessary while still providing safe and efficient access to the buildings.

§13-15-237 (Construction on slopes greater than 15%): The 739 SF of construction proposed on slopes greater than 15% is again associated with the very tight development window on the site, and will be completely structurally contained within the driveway to the Community Impact Center. The drive has been located in the only location to avoid trees, minimize cut/fill, and minimize impervious cover.

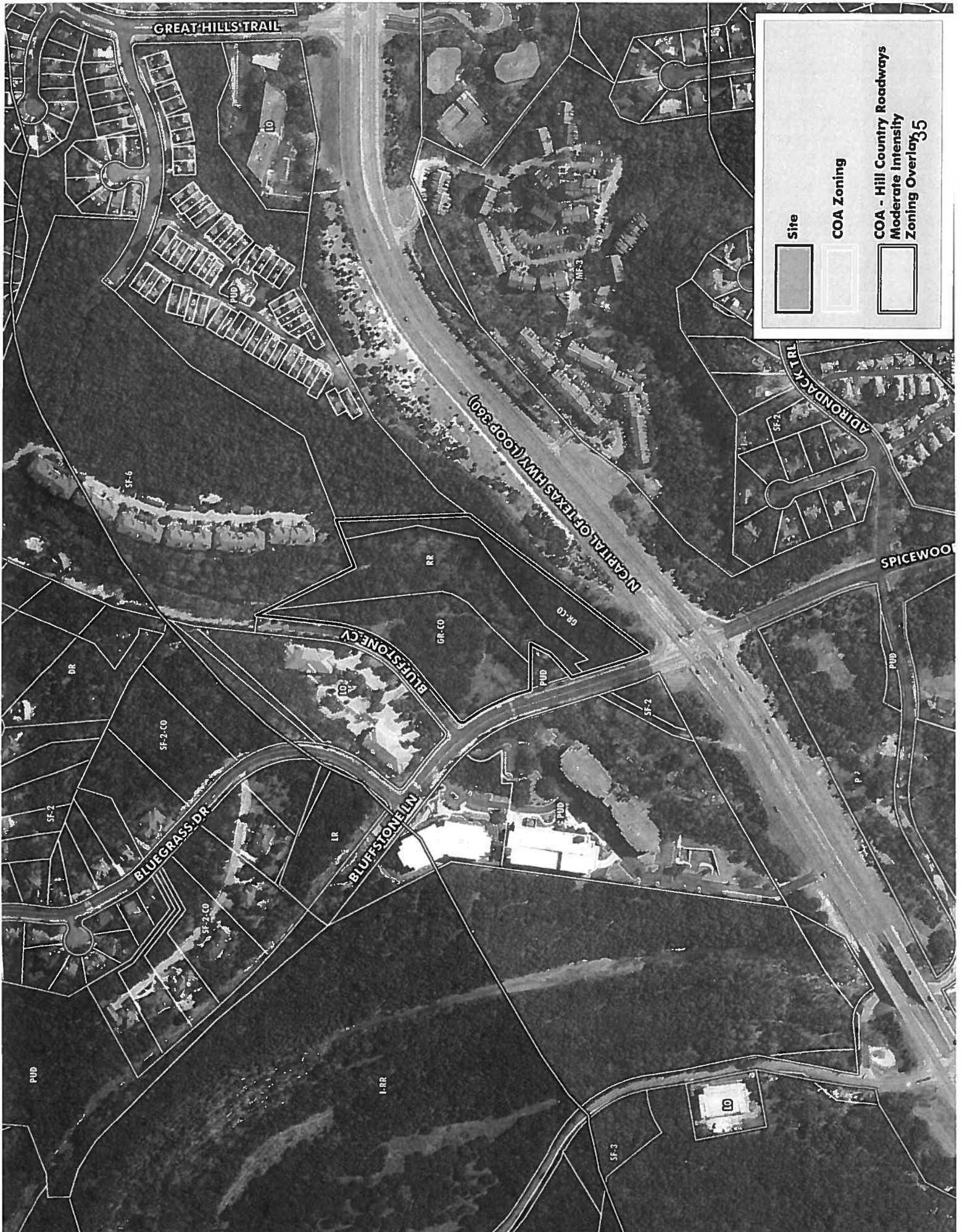
DATE DESIGNED CHECKED DRAWN JOB NO.	REVISIONS/CORRECTIONS DESCRIPTION CITY AND COUNTY, TX	GARRETT-IHLEN CIVIL ENGINEERS 12007 TECHNOLOGY BLVD. AUSTIN, TEXAS 78757 PHONE (512) 454-2630 FACSIMILE (512) 454-2630 TEL. (512) 454-2630	 Junior League of Austin Community Impact Center 5330 Bluffsstone Lane Austin, TX 78759 Critical Environmental Feature	SHEET NUMBER 10 of 41
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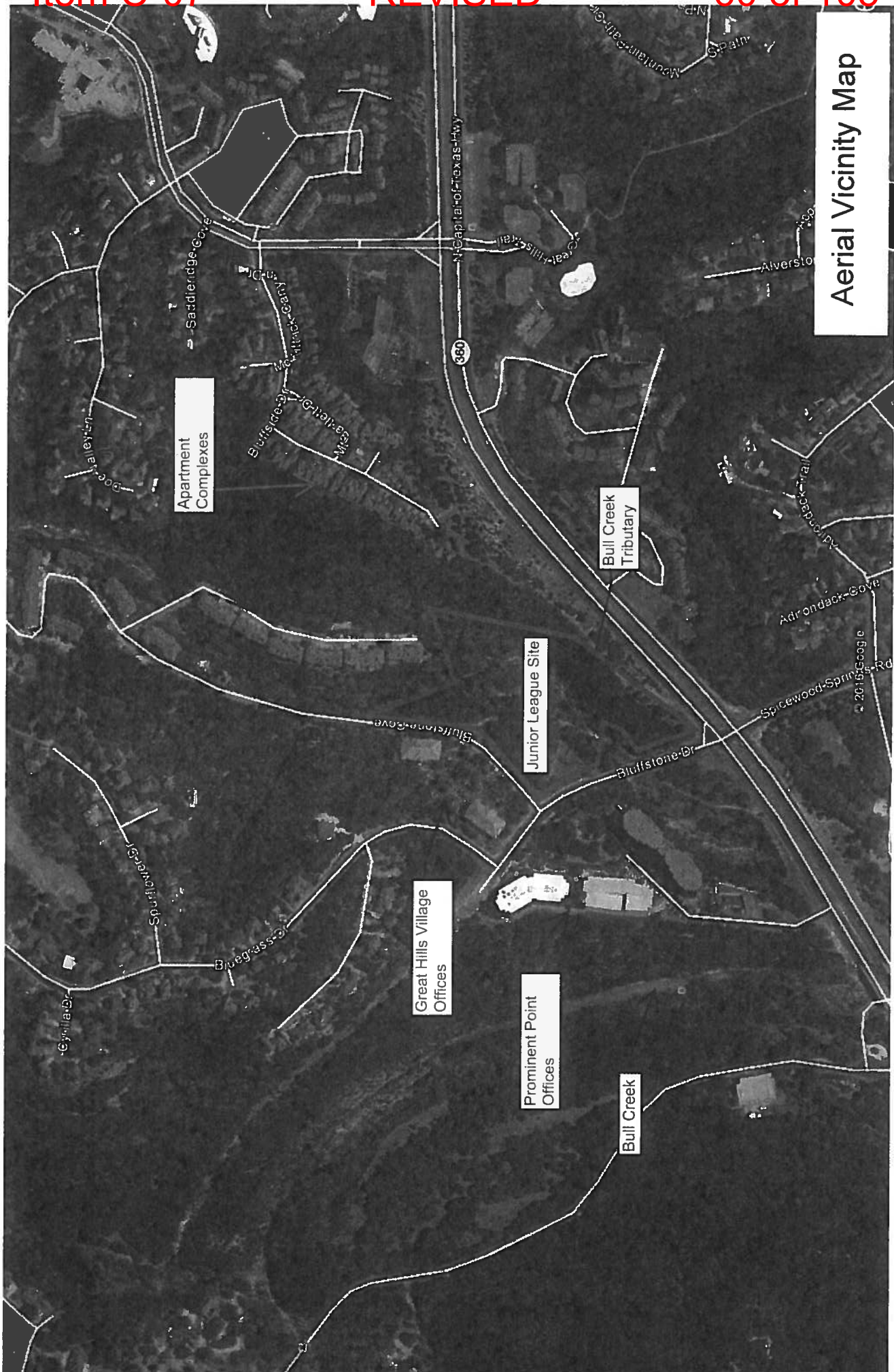


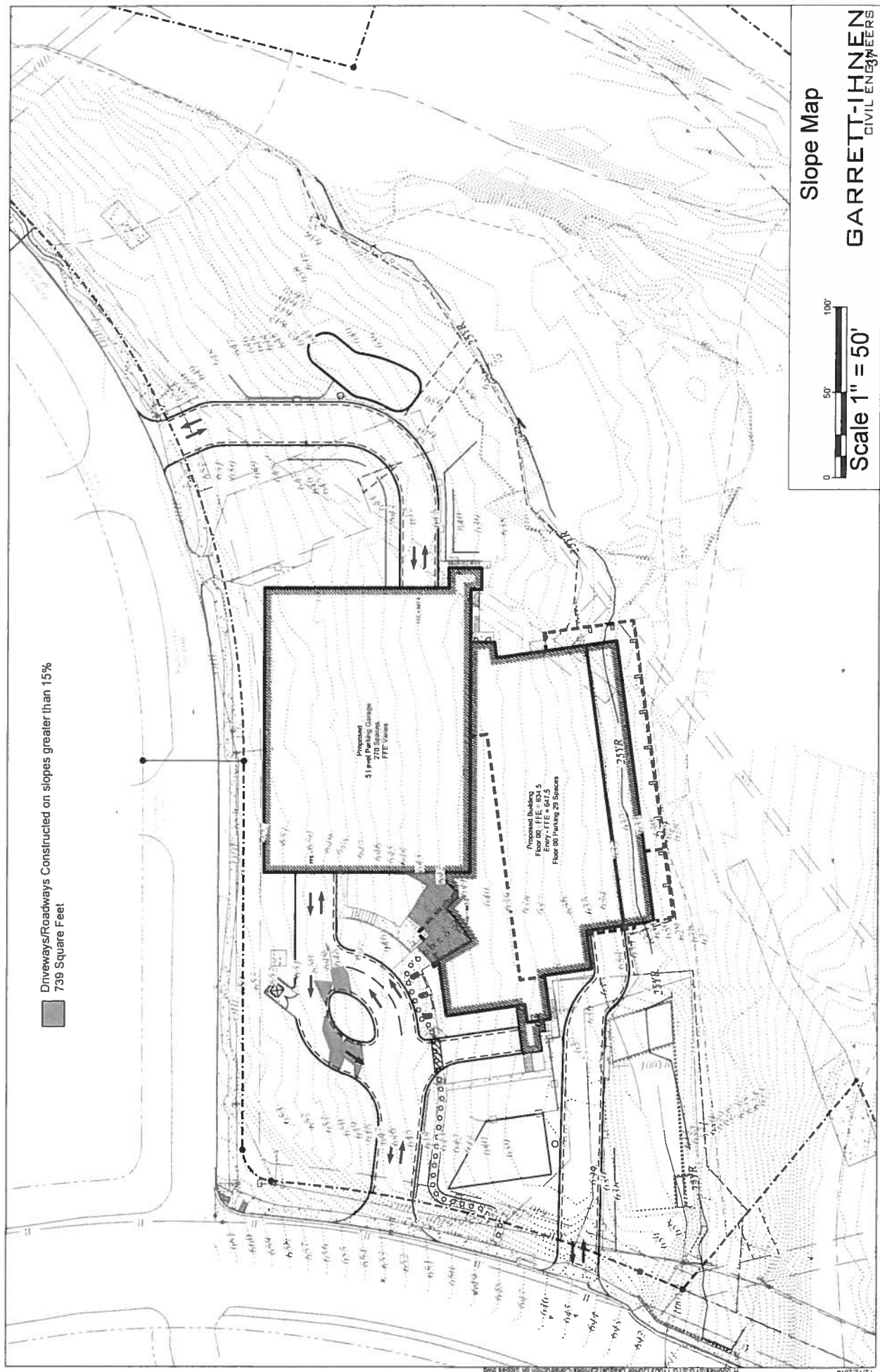
SPC-2016-0055C











12 August 2011

**Environmental Assessment Information
City of Austin Land Development Code (Section 25-8-121)
Compliance Report**

**RE: Junior League of Austin Tract located at the intersection of Bluffstone Lane and Capitol of Texas Highway (Loop 360), Austin, Travis County, Texas
HJN 110081 EA**

1.0 INTRODUCTION

This report provides the results of an environmental assessment conducted by Horizon Environmental Services, Inc. (Horizon) on the above-referenced site. Horizon conducted the field reconnaissance on 26 July 2011. Horizon spent a minimum of 4 person-hours in the field evaluating the site and surrounding area, and completed the assessment process by conducting a review of existing literature.

2.0 ENVIRONMENTAL SETTING

2.1 LAND USE

The current use of the subject site is vacant woodland with common local utilities adjacent to the northern and southern boundaries of the subject site. The following land uses border the subject site:

North:	Bluffstone Cove and commercial office space
South:	Capitol of Texas Highway (Loop 360)
East:	Vacant woodland and multifamily residential
West:	Bluffstone Lane, vacant woodland, commercial office space

2.2 VEGETATION

The subject site is situated within the Cross Timbers vegetational area of Texas (Gould, 1975). Vegetation is characterized as live oak (*Quercus fusiformis*), Ashe Juniper (*Juniperus ashei*), little bluestem (*Schizachyrium scoparium*), meadow dropseed (*Sporobolus compositus*), Texas wintergrass (*Nassella leucotricha*), curly mesquite (*Hilaria belangeri*), twistleaf yucca (*Yucca rupicola*), prickly pear cactus (*Opuntia engelmannii*), and greenbrier (*Smilax bona-nox*). Wetland vegetation was observed on the site that included Indian sea-oats (*Chasmanthium latifolium*) and giant reed (*Arundo donax*).



2.3 TOPOGRAPHY AND SURFACE WATER

This site is within the Bull Creek Watershed (COA, 1998). Topographically, the site ranges from approximately 620 to 720 feet above mean sea level (USGS, 1987). Drainage on the subject site occurs primarily by overland sheet flow into Bull Creek, which traverses through the center of the subject site. Part of the subject site is within the 100-year floodplain (FEMA, 2008). A review of the National Wetland Inventory maps showed one potential wetland area on the subject site (USFWS, 1993). Bull Creek is classified as a seasonally flooded, intermittent streambed. Wetland vegetation is described in Section 2.2.

2.4 SOILS

Soils mapped within the subject site include the following:

TABLE 1 – SOILS

SOIL NAME	SOIL TYPE	SOIL DEPTH (FEET)	UNDERLYING MATERIAL	PERMEABILITY	AVAILABLE WATER CAPACITY	SHRINK-SWELL CAPACITY
Brackett soils and Rock outcrop, steep (BoF)	clay loam with gravelly limestone fragments on surface	0 to 4.0	limestone and marl	moderately slow	low	low
Volente complex, 1 to 8% slopes (VoD)	silty clay loam	0.2 to 4.6	clay loam	moderately slow	high	moderate to high

Source: NRCS, 2011a and 2011b

2.5 EDWARDS AQUIFER ZONE

The subject site is not found within the Edwards Aquifer Recharge, Transition, or Contributing Zone (COA, 1998 and TCEQ, 2011).

2.6 GEOLOGY

A review of existing literature shows the site is underlain by Glen Rose geologic formation (UT-BEG, 1995). The Glen Rose geologic formation is described as limestone, dolomite, and marl subdivided into 2 units. The upper member of the Glen Rose Limestone is relatively impermeable and described as the lower confining unit of the Edwards Aquifer. It has a maximum thickness of about 350 to 500 feet. Stair-step topography is characteristic of the upper member of the Glen Rose Limestone. The Upper Glen Rose Limestone is described as yellowish-tan, thinly bedded limestone and marl (Garner and Young, 1976). The upper member of the Glen Rose Limestone is relatively more thinly bedded, more dolomitic, and less fossiliferous than the lower member of the Glen Rose Limestone. The top of the upper member of the Glen Rose Limestone is red-stained, lumpy, irregular, and bored, with oysters cemented onto the surface (Rose, 1972).



2.7 WATER WELLS

A review of the records of the Texas Water Development Board (TWDB) revealed no documented water wells on or within 150 feet from the subject site (TWDB, 2011). No evidence of water wells was observed on the subject site during Horizon's site reconnaissance.

The results of this assessment do not preclude the existence of additional undocumented/abandoned wells. If a water well or casing is encountered during construction, work should be halted near the feature until the Texas Commission on Environmental Quality (TCEQ) is contacted.

3.0 CRITICAL ENVIRONMENTAL FEATURES

The City of Austin definition of a critical environmental feature (CEF) includes caves, sinkholes, springs, wetlands, bluffs, canyon rimrock, water wells within the Edwards Aquifer, and significant recharge features located over the Edwards Aquifer Recharge Zone. Potential CEFs as defined by the City of Austin were found on the subject property. Two occurrences of canyon rimrock (CEF1 and CEF4), a bluff (CEF2), and a small wetland (CEF 3) were observed on the property (Figure 1, attached).

For Horizon Environmental Services, Inc.

Kris Billings
Environmental Specialist

12 August 2011
Date



4.0 REFERENCES




- (COA) City of Austin. *Austin Watershed Regulation Areas*. Austin, Texas: City of Austin, Department of Planning and Development. 30 January 1998.
- (ESRI) Environmental Systems Research Institute, Inc. *World Street Maps*. ESRI, Redlands, California. 2009.
- (FEMA) Federal Emergency Management Agency. *Flood Insurance Rate Map (FIRM) Panel No. 48453C0245H*, Travis County, Texas. 26 September 2008.
- Garner, L.E., and K.P. Young. *Environmental Geology of the Austin Area: An Aid to Urban Planning*. Report of Investigations 86. The University of Texas at Austin, Bureau of Economic Geology. 1976.
- Gould, F.W. *Texas Plants – A Checklist and Ecological Summary*. College Station: Texas A&M University. 1975.
- (NRCS) US Department of Agriculture, Natural Resources Conservation Service. 2011a. Web Soil Survey, <<http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>>. Accessed 20 July 2011.
- _____. 2011b. Soil Data Mart, <<http://soildatamart.nrcs.usda.gov/>>. Accessed 20 July 2011.
- Rose, P.R. *Edwards Group, Surface and Subsurface, Central Texas: Austin, Texas*. Report of Investigations 74. The University of Texas, Bureau of Economic Geology. 1972.
- (TCEQ) Texas Commission on Environmental Quality. *Edwards Aquifer Protection Program*. Edwards Aquifer Viewer, <<http://gis.tceq.state.tx.us/website/iredwards1/viewer.htm>>. Accessed 20 July 2011.
- (TWDB) Texas Water Development Board. *Water Information Integration and Dissemination System*. TWDB Groundwater Database (ArcIMS), <http://wiid.twdb.state.tx.us/ims/www_drl/viewer.htm?DISCL=1&>. Accessed 20 July 2011.
- (USDA) US Department of Agriculture. *Southwest digital orthophoto quarter-quadrangle*, Jollyville, Texas. National Agriculture Imagery Program, Farm Service Agency, Aerial Photography Field Office. 2010.
- (USFWS) US Department of the Interior, Fish and Wildlife Service. *National Wetland Inventory Map*, Jollyville Quad, Texas. 1993.
- (USGS) US Geological Survey. *7.5-minute series topographic maps*, Jollyville, Texas, quadrangle. 1987.
- (UT-BEG) University of Texas Bureau of Economic Geology, C.V. Proctor, Jr., T.E. Brown, J.H. McGowen, N.B. Waechter, and V.E. Barnes. *Geologic Atlas of Texas*, Austin Sheet, Francis Luther Whitney Memorial Edition. 1974; revised 1995.

City of Austin Site Review Critical Environmental Feature Worksheet

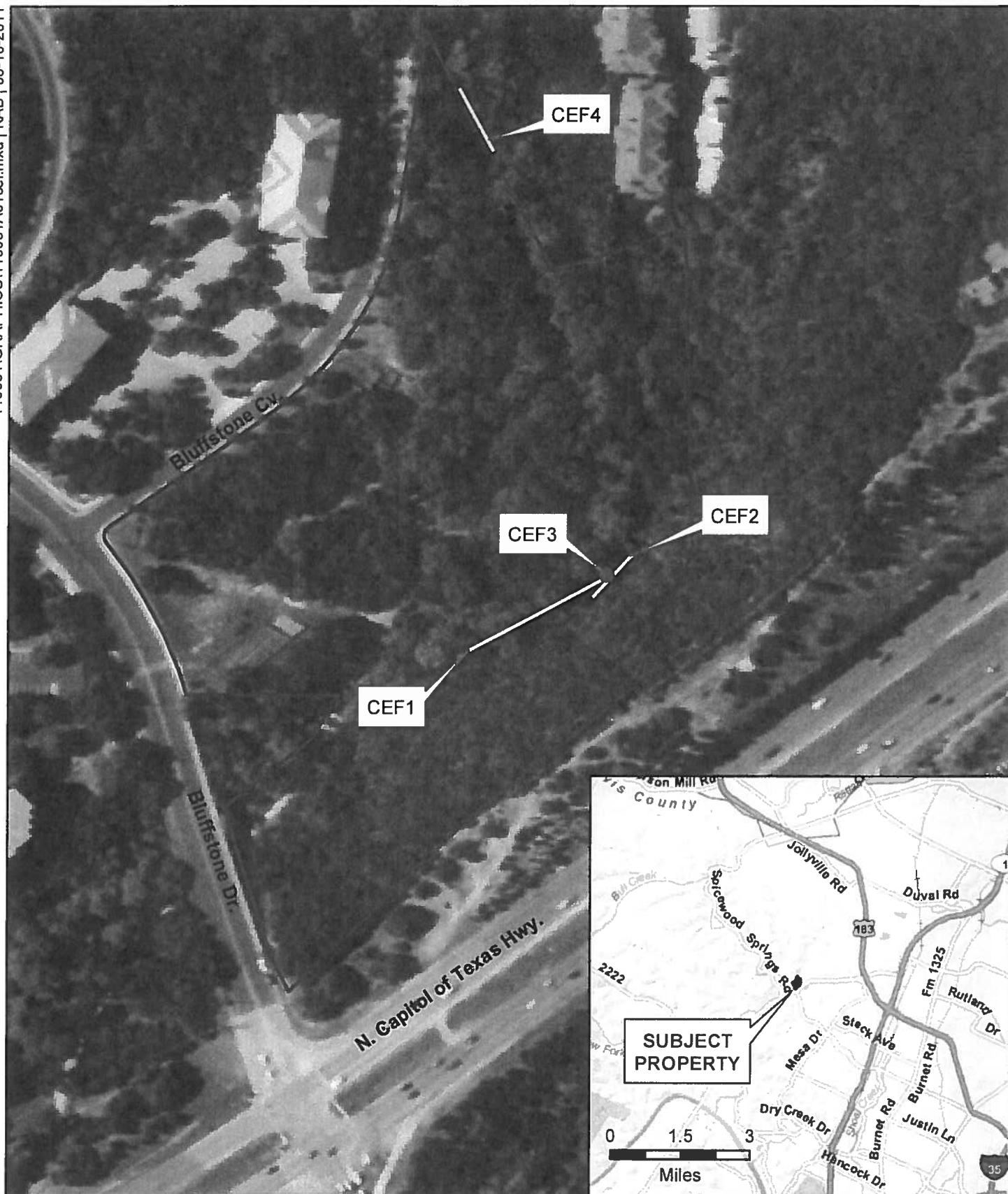
1	Project Name:	Junior League Of Austin Tract	5	Primary Contact Name:	
2	Project Address:	Bluffstone Drive and Loop 360	6	Phone Number:	
3	Date:	8/10/2011	7	Prepared By:	Kris Billings
4	Environmental Assessment Date:	7/20/2011	8	CEFS Located? (yes/no):	YES

[illegible]

City of Austin Use Only
WPDRD CASE NUMBER:

For rimrock, locate the midpoint of the segment that describes the feature.	
For wellands, locate the approximate centroid of the feature and the estimated area.	
For a spring or seep, locate the source of groundwater that feeds a pool or stream.	

110081\GRAPHICS\110081A01cef.mxd | KAB | 08-10-2011



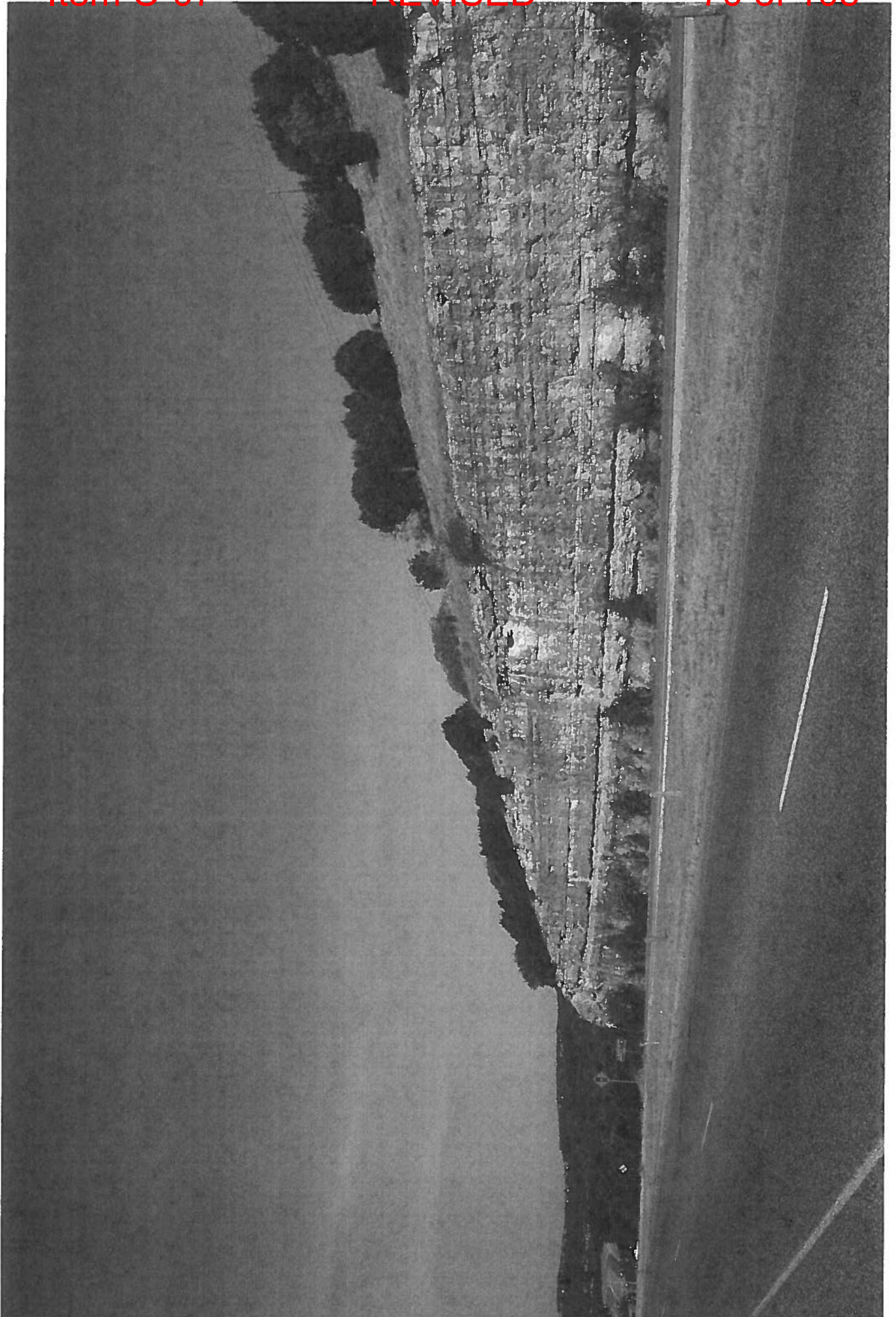
MAP SOURCE: ESRI, 2009; USDA, 2010.

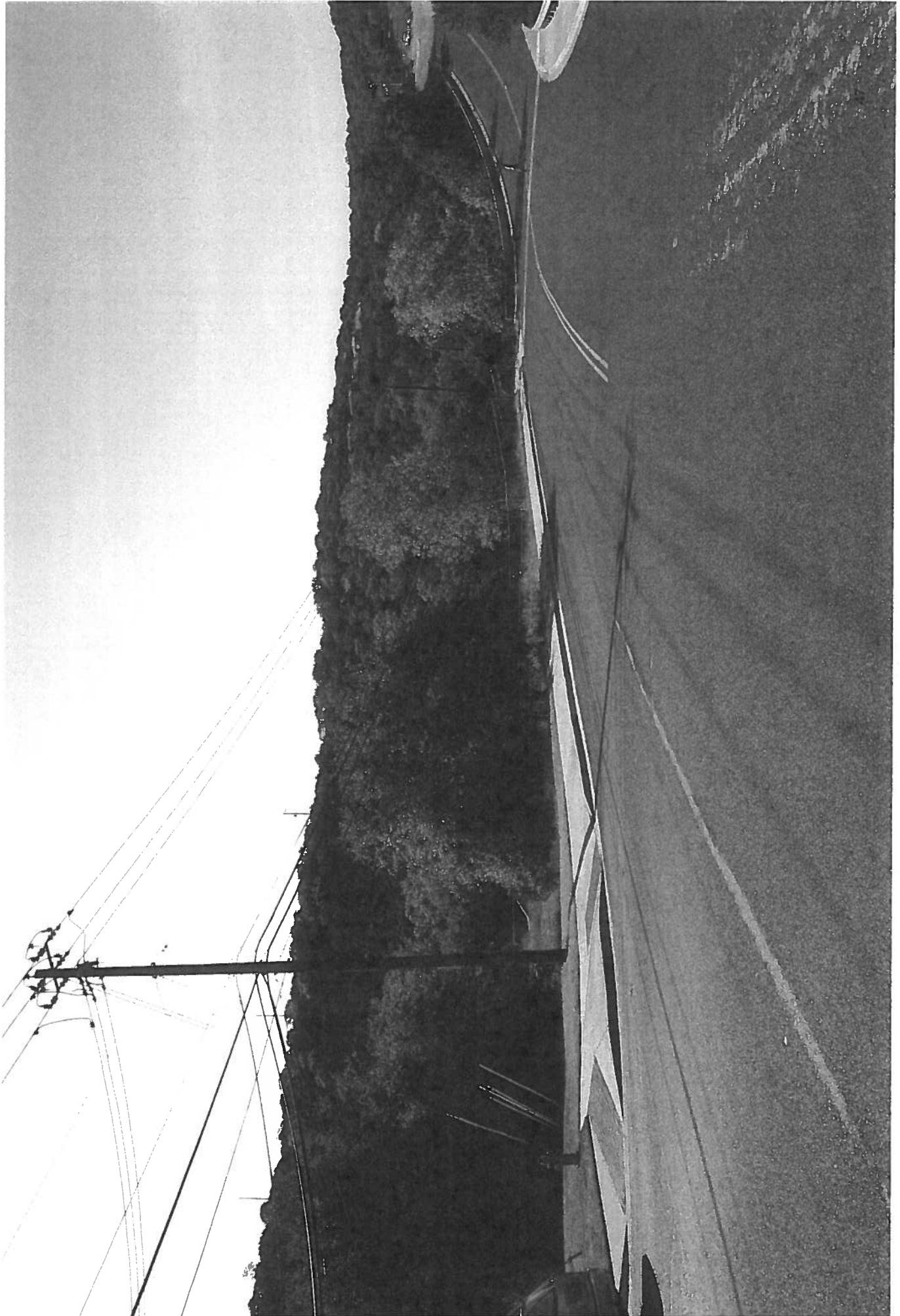
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Feet

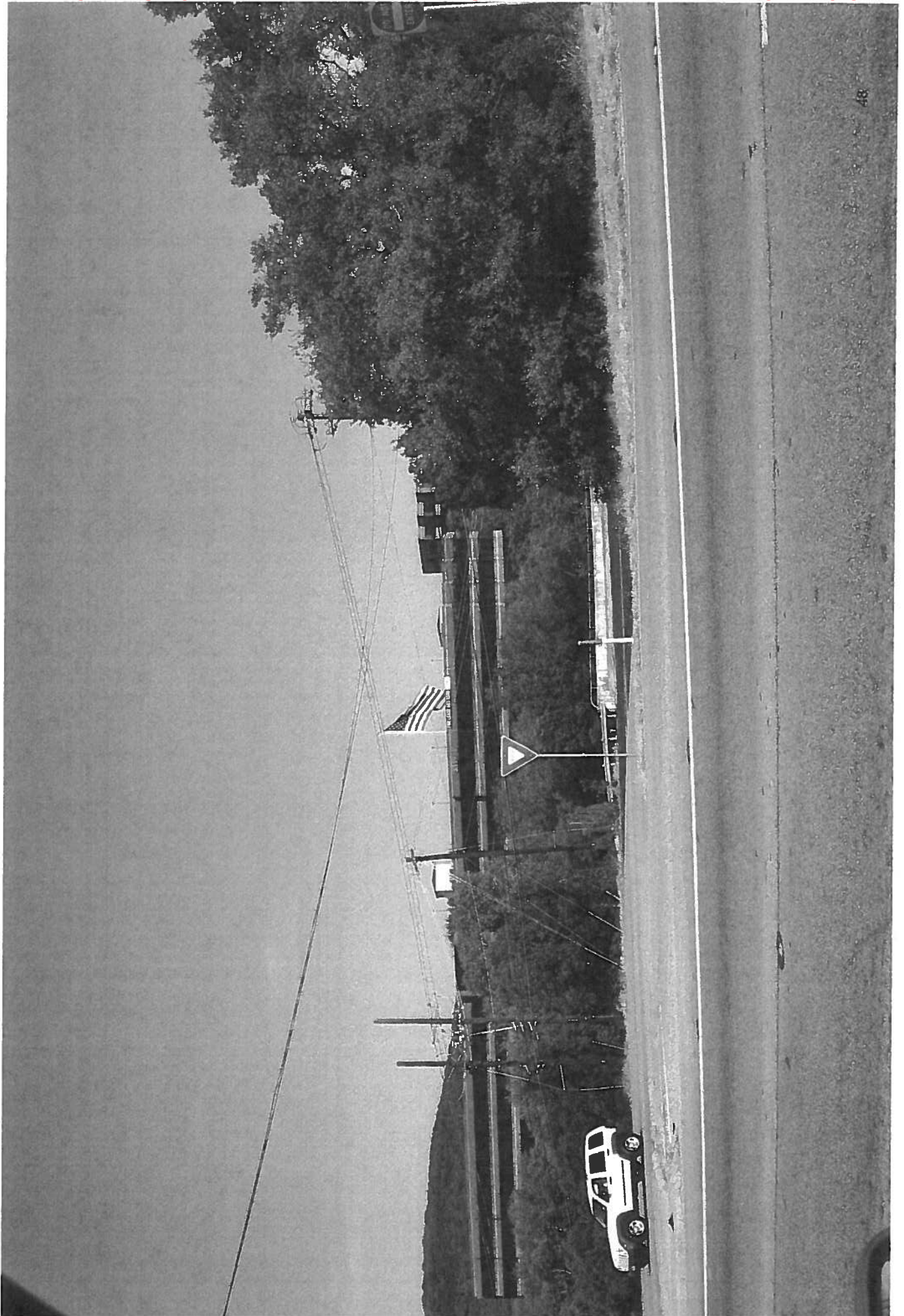
**FIGURE 1**

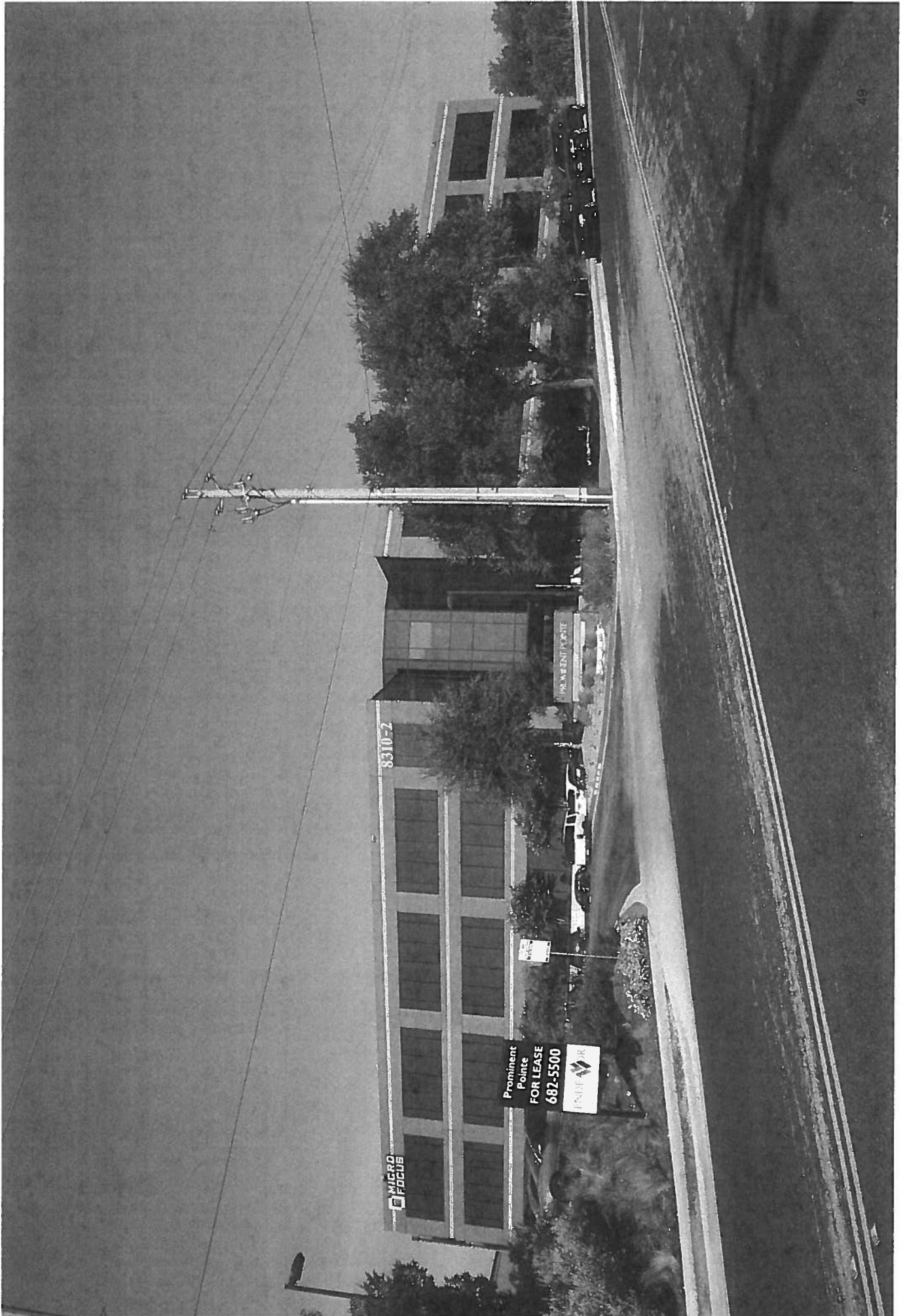
POTENTIAL CRITICAL
ENVIRONMENTAL FEATURES
JUNIOR LEAGUE OF AUSTIN TRACT
BLUFFSTONE DRIVE AND
CAPITOL OF TEXAS HIGHWAY
AUSTIN, TRAVIS COUNTY, TEXAS



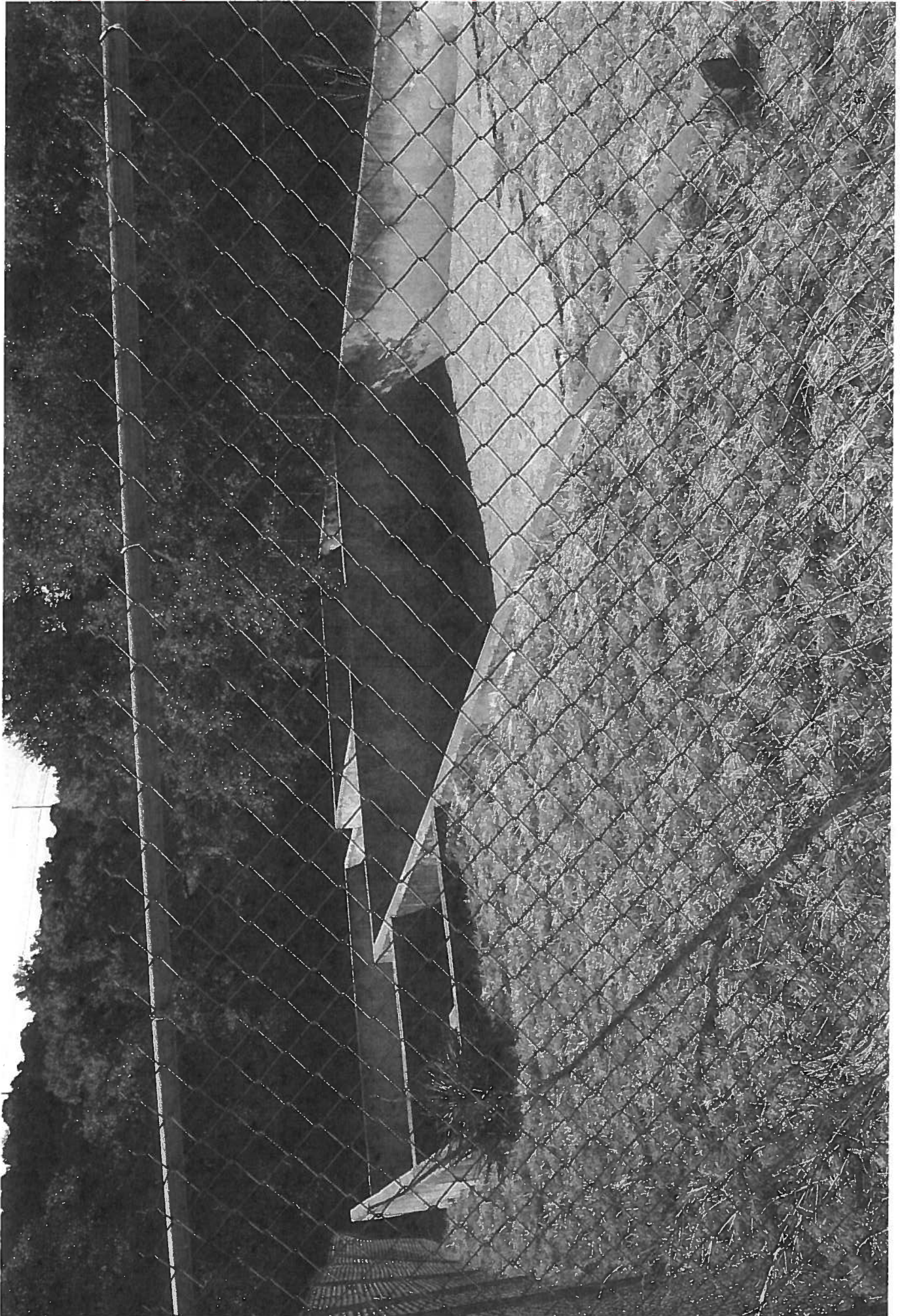
















May 12, 2003 8:58AM HAL AND KLEEMAN

No. 4123 P. 2

NO. GNO-01372

AUSTIN 360 ASSOCIATES, LP

V.

CITY OF AUSTIN

§
§
§
§
§

IN THE DISTRICT COURT

OF TRAVIS COUNTY, TEXAS

261st JUDICIAL DISTRICT

MUTUAL RELEASE AND SETTLEMENT AGREEMENT

THE STATE OF TEXAS

COUNTY OF TRAVIS

§
§
§

KNOW ALL MEN BY THESE PRESENTS:

"City" whenever used herein shall mean City of Austin and all of its officers, directors, agents, servants, employees, predecessors in interest, successors in interest, and their heirs, successors and assigns.

~~"AUSTIN 360" whenever used herein shall mean Austin 360 Associates, LP and all of its~~
officers, members, principals, agents, employees, servants, predecessors in interest, successors in interest, and successors and assigns, as well as its attorneys and legal representatives.

WHEREAS, AUSTIN 360 is the owner of a certain tract of land, hereafter "the Property", consisting of approximately 9.9 acres, generally known as "Lot 15, Block X, Great Hills Phase B, Preliminary Plan", and located near the intersection of Loop 360 and Bluffstone Dr. in Austin, Travis County, Texas and more particularly described in the attached Exhibit "A."

WHEREAS, AUSTIN 360 submitted to the City a final plat application for development on the Property;

WHEREAS, the City in reviewing the application imposed then current regulations applicable to the development proposed by the application for the Property;

WHEREAS, disputes arose between the City and AUSTIN 360 concerning which development regulations were to be imposed on the final plat application for the Property;

May 12, 2003 8:58AM HALL ID KLEEMAN

No. 4123 P. 3

WHEREAS, AUSTIN 360 filed the instant suit seeking, among other things, declaratory and injunctive relief pertaining to the matters in dispute;

WHEREAS, the City has answered the suit and discovery was conducted, but the parties remain in dispute about which development regulations were to be imposed on the final plat application for the Property;

WHEREAS, in order to avoid further time, expense and the uncertainties of litigation, the City and AUSTIN 360 desire to enter into this Mutual Release and Settlement Agreement (the "Agreement") as a final compromise and settlement of any and all claims and controversies between the parties with respect to Plaintiff's application for final plat approval on the Property or arising out of the matters at issue in this lawsuit.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

1. For and in consideration of the mutual covenants and agreements to be performed as set out below, and in consideration of the mutual covenants and agreements to be performed as set out in the Term Sheet attached hereto as Exhibit "B" and incorporated herein for all purposes, which the City of Austin and Austin 360 expressly agree to be bound by as part of the terms of this Agreement, City and AUSTIN 360, for themselves and their directors, officers, affiliates, shareholders, agents, counsel, employees, servants, subsidiaries, partners, insurers, sureties, underwriters, administrators, executors, representatives, predecessors in interest, successors in interest, subrogees, successors and assigns, attorneys and legal representatives, and each of them, hereby fully and finally RELEASE, ACQUIT, AND FOREVER DISCHARGE each other, and each and all of their respective directors, officers, affiliates, shareholders, agents, counsel, employees, servants, subsidiaries, partners, insurers, sureties, underwriters, heirs, administrators, executors, representatives, predecessors in interest, successors in interest, subrogees, successors, assigns, attorneys and legal representatives and each of them of and from any and all claims, debts, liabilities, demands, causes of action, damages, common law and statutory

May 12, 2003 8:58AM HALL AND KLEEMAN

No. 4123 P. 4

penalties or recompense, liens, attorneys' fees, costs, judgment and expenses of any type whatsoever, which were or could have been asserted in this litigation and which in any manner arise out of or are in any way connected with, directly or indirectly, Plaintiff's application for final plat approval on the Property, or arising out of the matters at issue in this lawsuit.

2. This release shall release the parties from any further obligations with respect to the matters alleged in this lawsuit, SAVE AND EXCEPT the obligations set out in the attached Term Sheet that the Parties expressly agree to and promise and covenant to comply with, specifically including, but without limitation, any claims for injury or damage to Plaintiff's interests in the Property, or any claims arising out of Defendant's prior acts or failures with respect to the Property or any prior filings or applications made which pertain to the Property.

3. It is further agreed and understood that the above-numbered civil action shall be dismissed with prejudice upon the earlier of the following to occur: a) Plaintiff or its assigns obtains an approved site development permit for the Property; or b) three years from the effective date of this Agreement. Plaintiff or its assigns agree to notify the City Attorney when an approved site development permit for the Property is received, and the City agrees to present a joint motion and agreed order to that end.

4. AUSTIN 360 and City understand, represent and warrant this Agreement to be a final compromise of disputed claims and not an admission of liability by or on the part of either party, nor an admission by either party with regard to the other's positions in the lawsuit on the particular regulations applicable to development of the Property. It is contracted that neither this Agreement nor any evidence relating thereto, will ever be admissible as evidence against AUSTIN 360 or City in any suit, claim or proceeding of any nature save and except any suit or proceeding to enforce the terms and obligations of this Agreement. However, this Agreement is and may be asserted by AUSTIN 360 or the City as an absolute and final bar to any claim or proceeding now pending or hereafter brought.

May 12, 2003 8:59AM HALL and KLEEMAN

No. 4123 P. 3

5. By the signatures below, each party represents that it understands that this Agreement constitutes a final and complete release of all claims regardless of their kind or character, which were or could have been asserted in this litigation and which arise out of or are in any way connected with, directly or indirectly, Plaintiff's application for final plat approval on the Property, or arising out of the matters at issue in this lawsuit. AUSTIN 360 acknowledges that it relies solely upon its own knowledge and information, and that of its attorneys, as to the nature and extent of its legal rights, as well as those of the City, and freely acknowledges that it has not been influenced by any representations made by or on behalf of the City, save those written covenants and representations set forth in and/or incorporated into this Agreement. Likewise, City acknowledges that it relies solely on its own knowledge and information, and that of its attorneys, as to the nature and extent of its legal rights, as well as those of AUSTIN 360, and City freely acknowledges that it has not been influenced by any representations made by or on behalf of AUSTIN 360, save those written covenants and representations set forth in and/or incorporated into this Agreement.

6. Should any provision of this Agreement, including any provision of the Term Sheet incorporated herein, be held unenforceable for any reason, then this Agreement, including the Term sheet, shall become voidable by any Party hereto. This agreement shall be construed under the laws of the State of Texas, where it is deemed performable.

7. The Effective Date of this Mutual Release and Settlement Agreement shall be the date on which both the City and Austin 360 Associates have executed this document.

SIGNED this the 28th day of APRIL, 2003.

AUSTIN 360 ASSOCIATES,
A California limited partnership
Acting by and through its general
Partner, Lewis E. Cook, Jr.

By: 

Lewis E. Cook, Jr.

May 12 2003 8:59AM HALL J KLEEMAN

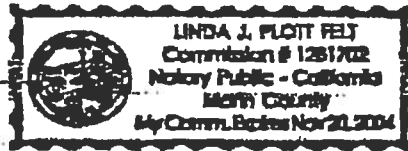
NO. 4123 P. 0

General Partner

STATE OF CALIFORNIA §
§
COUNTY OF MARIN §

BEFORE ME, the undersigned authority, on this day personally appeared Lewis E. Cook, Jr., general partner of Austin 360 Associates, L.P., a California limited partnership, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that the same was the act of Austin 360 Associates, L.P., that he is authorized to sign this instrument and that he executed same for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 30th day of April, 2003.




Notary Public - State of California

May 12, 2003 8:59AM HALL AND KLEEMAN

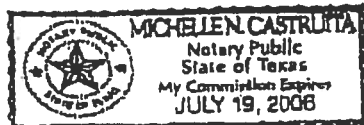
No. 4123 P. 7

SIGNED this the 21st day of April, 2003.

CITY OF AUSTIN

By: Dana K. Johnson
Dana K. Johnson, Asst. City AttorneySTATE OF TEXAS §
COUNTY OF TRAVIS §

BEFORE ME, the undersigned authority, on this day personally appeared Dana K. Johnson, Assistant City Attorney for the City of Austin, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that the same was the act of the City of Austin, that she is authorized to sign this instrument and that she executed same for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 21st day of April, 2003.Michelle N. Castagna
Notary Public - State of Texas

May 12 2003 8:59AM

HAL. ND KLEEMAN
JAMES COLEMAN SURVEY

No. 4123 P. 8

James Coleman Survey No. 25
June 18, 1987
87004.11;331311;1;Page 1THE STATE OF TEXAS)
COUNTY OF TRAVIS)

A FIELDNOTE DESCRIPTION of a 9.952 acre tract of land out of the James Coleman Survey No. 25, Travis County, Texas; the said 9.952 acre tract of land being all of a 0.196 acre tract of land called an 0.28 acre Tract 1 in a deed from Great Hills, Ltd. to Austin 360 Associates, and all of an 0.623 acre tract of land called 0.62 acre Tract 2 in the said deed from Great Hills, Ltd. to Austin 360 Associates as recorded in Volume 10164, Page 373 of the Deed Records of Travis County, Texas; and being all of a 9.799 (9.80) acre tract of land called 9.80 acres in a deed from Great Hills, Ltd. to Austin 360 Associates as recorded in Volume 10064, Page 83 of the Deed Records of Travis County, Texas; the said 9.799 (9.80) acre tract of land contains all of the 0.623 acre Tract 2 and a portion of the 0.196 acre Tract 1; the said 9.952 acre tract of land being more particularly described by acres and bounds as follows:

BEGINNING at an iron rod found in the northwest line of Capital of Texas Highway, North (Loop 360); the said iron rod being in the southeast line of a 7.93 acre tract of land called Tract Two in a deed to Great Hills, Ltd. as recorded in Volume 8238, Page 174 of the Deed Records of Travis County, Texas; the said iron rod being also the most southerly corner of the said 9.799 acre tract; the said iron rod being N 35° 28' 43" E, a distance of 19.80 feet from a concrete monument found 130 feet north of Loop 360 centerline station 226+38.6);

THENCE, leaving the said northwest line of Loop 360 and crossing the said 7.93 acre Tract Two with the southwest line of the 9.799 acre tract, the following three (3) courses and distances:

- 1) N 25° 05' 17" W, a distance of 10.17 feet to an iron rod found for the beginning of a curve;
- 2) a distance of 41.25 feet with the arc of a non-tangent curve to the right having a central angle of 07° 30' 00", a radius of 315.10 feet and a chord which bears N 22° 26' 07" W, a distance of 41.22 feet to an iron rod found for the end of curve; and
- 3) N 18° 39' 36" W, a distance of 186.32 feet to an iron rod found in the southeast line of the said 0.196 acre tract of land; the said iron rod being an angle point in the southwest line of the said 9.799 acre tract; the said point being in the southwest line of the said Great Hills, Ltd. 7.93 acre Tract Two;

THENCE, with the said southwest line of the Great Hills, Ltd. 7.93 acre tract being the southeast line of the 0.196 acre Tract 1, the following three (3) courses and distances:

- 1) S 45° 00' 00" W, a distance of 33.50 feet to an iron rod found for the northwest corner of a 0.111 acre tract of land called an 0.11 acre Tract One, dedicated as a 20' wide strip of additional right-of-way to Forsythia Drive (Arterial B) as recorded in Volume 9400, Page 869 of the Deed Records of Travis County, Texas;
- 2) S 44° 49' 48" W, a distance of 21.31 feet to an iron rod found for an angle point; and
- 3) S 29° 16' 37" W, a distance of 1.18 feet to an iron rod found in the east line of Forsythia Drive, 70 foot wide right-of-way as shown dedicated by the Subdivision Plat, Forsythia Drive Street Dedication as recorded in Book 85, Pages 148C and 149B of the Plat Records of Travis County, Texas; the said iron rod being the southwest corner of the said 0.196 acre Tract 1;

EXHIBIT "A"

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HALL AND KLEEMAN
Surveyors

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James Coleman Survey No. 25
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THENCE with the east line of Forsythia Drive being the west line of the said 0.196 acre Tract 1, N 18° 41' 07" W, a distance of 33.90 feet to an iron rod found for the northwest corner of the said 0.196 acre Tract 1; being also the southwest corner of a 0.073 acre, 20 feet wide strip of land dedicated as additional right-of-way to Forsythia Drive by the Subdivision Plat, "Owen II Subdivision", as recorded in Book 83, Pages 1408 and 1409 of the Plat Records of Travis County;

THENCE, leaving the said east line of Forsythia Drive with the north line of the said 0.196 acre Tract 1, N 43° 01' 23" E, a distance of 22.91 feet to an iron rod found for the southeast corner of the said 0.073 acre 20' wide strip of dedicated additional right-of-way, being also the southwest corner of Lot 1 of the said "Owen II Subdivision";

THENCE, continuing with the north line of the said 0.196 acre Tract 1, being the south line of Lot 1, "Owen II Subdivision", the following two (2) courses and distances:

- 1) N 45° 00' 33" E, a distance of 113.15 feet to an iron rod found for an angle point; and
- 2) N 24° 54' 26" E, a distance of 74.33 feet to an 'X' found in a concrete bridge for the most easterly corner of the said Lot 1, "Owen II Subdivision"; being also an angle point in the southwest line of the said 9.799 acre tract;

THENCE, leaving the north line of the said 0.196 acre Tract 1, with the northeast line of the said Lot 1, Owen II Subdivision being the southwest line of the 9.799 acre tract, S 88° 13' 22" W, a distance of 128.25 feet to an iron rod found for an angle point;

THENCE, leaving the said northeast line of Lot 1, Owen II Subdivision and crossing a 0.68 acre tract of land described in a deed from John Joseph to Great Mills, Ltd. as recorded in Volume 9036, Page 108 of the Deed Records of Travis County, Texas, being the southwest line of the said 9.799 acre tract, the following three (3) courses and distances:

- 1) N 18° 40' 52" W, a distance of 36.38 feet to an iron rod found for the beginning of a curve;
- 2) passing at an arc distance of 78.48 feet an iron rod set in the north line of the said 0.68 acre tract being the south line of a 936.78 acre tract of land called Tract One in a deed to Great Mills, Ltd. as recorded in Volume 8238, Page 174 of the Deed Records of Travis County, Texas; in all for a total distance of 230.09 feet with the arc of a non-tangent curve to the left having a central angle of 11° 04' 53", a radius of 623.32 feet and a chord which bears N 29° 13' 19" W, a distance of 238.79 feet to an iron rod found for a point of reverse curvature, and
- 3) a distance of 38.40 feet with the arc of a non-tangent curve to the right having a central angle of 88° 11' 38", a radius of 25.00 feet and a chord which bears N 04° 10' 01" E, a distance of 34.79 feet to an iron rod found in the southeast line of Simmons Road, having a 60' wide right-of-way as shown dedicated by the said Subdivision Plat, "Forsythia Drive Street Dedication", and being the most easterly corner of the herein described tract;

THENCE, with the said southeast line of Simmons Road, being the northwest line of the herein described tract, the following three (3) courses and distances:

- 1) N 68° 18' 39" E, a distance of 197.00 feet to an iron rod found for a point of curvature;
- 2) a distance of 346.24 feet with the arc of a curve to the left having a central angle of 43° 40' 00", a radius of 434.31 feet and a chord which bears N 26° 29' 00" E, a distance of 337.92 feet to an iron rod found for a point of tangency in the south line of Simmons Road, a 50' wide right-of-way dedicated by a deed recorded in Volume 2050, Page 93 of the Deed Records of Travis County, Texas; the said iron rod being an angle point in the said Subdivision Plat, "Forsythia Drive Street Dedication"; and

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HALL AND KLEEMAN, LLC

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- 3) S 04° 38' 59" E, with the south line of Simmons Road a distance of 256.53' to an iron rod found for the west northerly corner of the herein described tract; the said point being an angle point in the west line of Lot 1, Block A, The Meadows of Great Hills, a subdivision recorded in Book 85, Pages 197B and 197C of the Plat Records of Travis County;

THENCE, leaving the said southeast line of Simmons Road with the northeast line of the said 9.799 acre tract being the west line of the said Lot 1, Block A, The Meadows of Great Hills, the following run (2) courses and distances:

- 1) S 27° 38' 23" E, a distance of 276.76 feet to an iron rod found for an old corner and being the southwest corner of the said Lot 1, Block A, The Meadows of Great Hills;
- 2) S 67° 13' 45" E, a distance of 173.25 feet to an iron rod found for an angle point and being also the northwest corner of Lot 57-A, The Bluffs of Great Hills 1-A, a subdivision recorded in Book 83, Pages 202B and 202C of the Plat Records of Travis County;

THENCE, leaving the south line of Lot 1, Block A, The Meadows of Great Hills with the west line of the said Lot 57-A, The Bluffs of Great Hills 1-A, S 04° 01' 47" E, a distance of 439.60 feet to an iron rod found in the southeast line of the said 9.799 acre tract and being in the said northwest line of Loop 360; the said iron rod being the southwest corner of the said Lot 57-A, The Bluffs of Great Hills 1-A, and being also S 35° 18' 01" W, a distance of 129.78 feet from a concrete monument found 330.00 feet north of centerline station 218+00.00 for the said Loop 360;

THENCE, with the southeast line of the 9.799 acre tract being the northwest line of Loop 360, S 35° 28' 43" W, a distance of 746.93 feet to the POINT OF BEGINNING of the herein described tract and CONTAINING 9.932 acres of land.

That I, Sam Long, A Registered Public Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the _____ day of _____, 1987, A.D.

Sam Long
 Registered Public Surveyor
 No. 4331 - State of Texas

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May 12, 2003 9:00AM HAL ND KLEEMAN

No. 4123 P. 11

SETTLEMENT TERM SHEET

In further consideration of the Mutual Release and Settlement Agreement ("Agreement"), which this Settlement Term Sheet is attached and incorporated into by reference and vice versa, the City and Austin 360 Associates, a California limited partnership ("Austin 360 Associates"), agree, acknowledge, covenant and/or promise as follows:

1. The "Project" shall mean commercial development of the Property that complies with:
 - a. the July 16, 1997 Neighborhood Agreement between Austin Great Hills Homeowners Association, Inc., Spicewood Springs Associates and Austin 360 Associates, or any amendments thereto;
 - b. applicable zoning, defined as zoning as of the date of the Agreement, or any lawfully adopted re-zoning;
 - and
 - c. this Term sheet.
2. The Property shall mean the 9.9354 acre tract also described as Lot 15, Block X, Great Hills Phase B Preliminary Plan, as described in the Exhibit "A," attached to the Agreement.
3. The City and Austin 360 Associates agree that the rules and regulations in effect on May 25, 1988 shall govern all applications and approvals necessary for the construction and occupation of the Project except as specifically modified or clarified herein. The parties further agree that, except as specifically modified or clarified herein, the Project will be subject to those rules and regulations that would be exempt from Chapter 245, Texas Local Government Code, including but without limitation, those regulating downstream flood impacts, building safety, health and temporary erosion and sedimentation controls.
4. The City's CWO (Ordinance No. 860508-V) will be the base development ordinance governing all applications and approvals necessary for the construction and occupation of all aspects the Project, subject to such modifications and clarifications as are contained in this Term Sheet. Development of the Project qualifies for an exemption under Subsection 13-2-502(b)(1) & (d), Austin Land Development Code and, except as otherwise provided in this Term Sheet and/or Agreement, platting and the development of the Project will be subject to the applicable Lake Austin Watershed Ordinance, subject to such modifications and clarifications as are contained in this Term Sheet.
5. Austin 360 Associates will provide an integrated Pest Management Plan as described in Section 1.62 of the City's Environmental Criteria Manual.

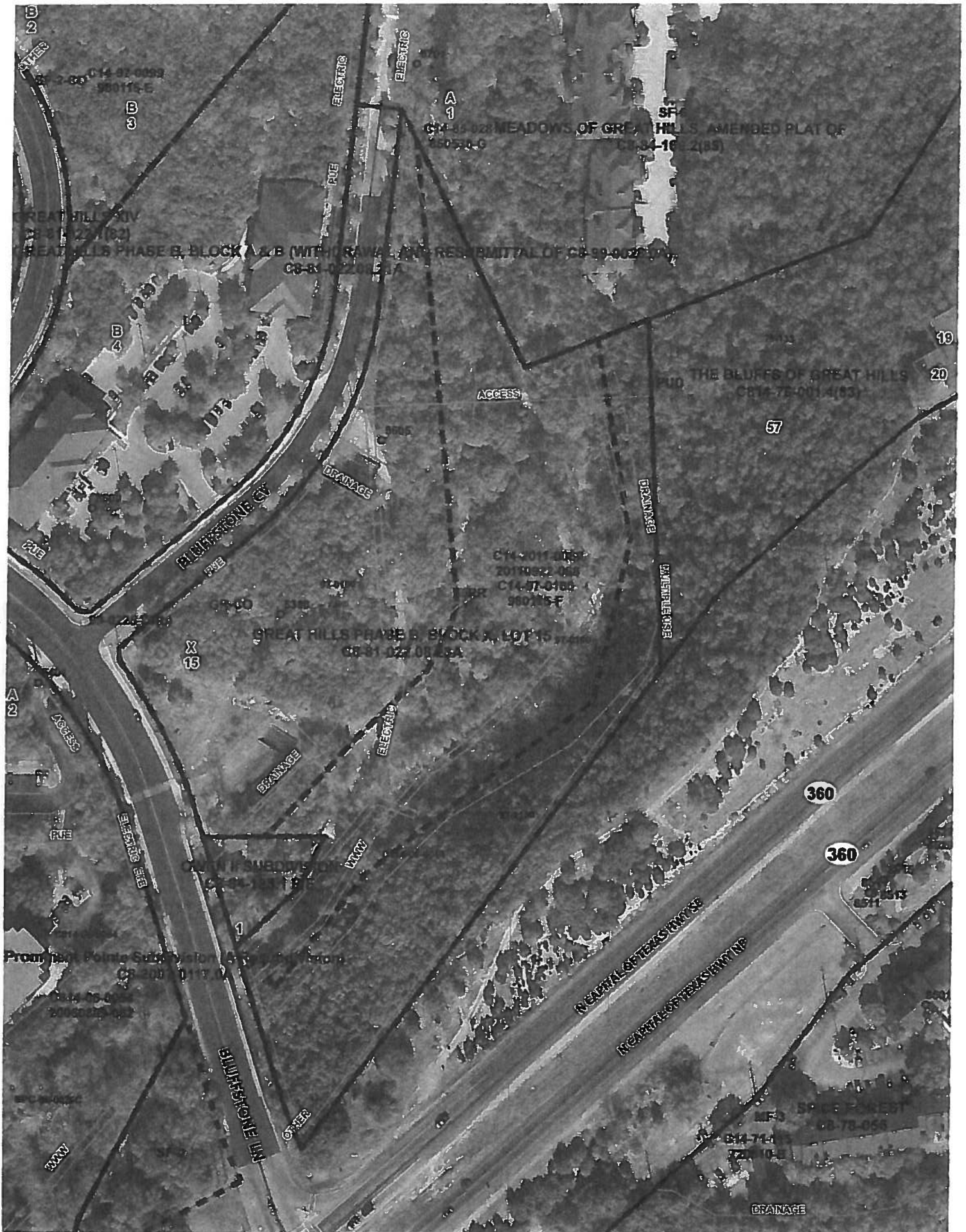
EXHIBIT "B"

May 12, 2003 9:01AM HAL ND KLEEMAN

No. 4123 P. 12

6. Development of the Property is limited to a maximum of 77,902 square feet of impervious cover. The term "development" shall have the meaning as set forth by the City of Austin Land Development Code as of the effective date of this Term Sheet.
7. Austin 360 Associates will provide structural water quality controls for the development of the Project designed and constructed to capture the first 1.25 inches of stormwater run-off from the drainage area to the control. If other applicable regulations of the City reduce the area available for irrigation or otherwise prevent Austin 360 Associates from meeting the above-stated 1.25 inches standard, the Director of the City's Watershed Protection Development Review Department, or successor department, will approve a reduced capture volume requirement to the minimum extent necessary, but in no event to a capture volume of less than 1 (one) inch.

The above-stated structural water quality controls shall be a retention/re-irrigation water quality control system that recaptures stormwater runoff from the irrigation areas.
8. The adjoining roadway shall not be included in the calculation of impervious cover allowed on or attributed to the Property or included in the drainage area.
9. Development of the Project shall comply with the Hill Country Roadway Ordinance, but site plans will be administratively reviewed and approved.
10. The final plat application for the Property will be reactivated by the City and no new fees will be required for the review of the final plat application, so long as the final plat is consistent with this Term Sheet.
11. The one hundred year flood plain on the Property shall be considered a critical water quality zone under the Land Development Code of the City.



B

Conditional Use Permit

Support documents

(B) DESCRIPTION OF CONDITIONAL USE PERMIT:

The applicant requests approval of the use “Club or Lodge”, which is a conditional use in the Land Development Code.

Excess parking over the minimum code requirement is provided to allow for on-site parking for events. CUP criteria and support are explained later in the body of this document.

Staff recommends approval of the CUP.

CONDITIONAL USE PERMIT REVIEW AND EVALUATION CRITERIA

The following evaluation is included to provide staff position on each point of the conditional use permit criteria. Section 25-5-145 of the Land Development Code states: “The Commission shall determine whether the proposed development or use of a conditional use site plan complies with the requirements of this section.

A conditional use site plan must:

1. *Comply with the requirements of this title; **Staff response: This application complies with the requirements of this title.***
2. *Comply with the objectives and purposes of the zoning district; **Staff response: This application complies with the objectives and purposes of the zoning district. A Club or Lodge Use is a conditionally-permitted use in GR-CO zoning.***
3. *Have building height, bulk, scale, setback, open space, landscaping, drainage, access, traffic circulation, and use that is compatible with the use of an abutting site; **Staff response: This application is requesting a waiver to other standards (HCRO) to allow for additional height for the building to prevent spreading the development out on the site. If the height provision is NOT approved, the development meets site requirements directly. If the height provision IS approved, compatibility is still met, but at a slightly taller height.***
4. *Provide adequate and convenient off-street parking and loading facilities; **Staff response: Adequate and convenient off-street parking are provided through a proposed parking garage, meeting more than the minimum parking requirements for a Club or Lodge.***
5. *Reasonably protect persons and property from erosion, flood, fire, noises, glare, and similar adverse effects; **Staff response: The site does not contribute to any of these adverse effects.***

A Conditional Use Site Plan May Not:

1. *More adversely affect an adjoining site than would a permitted use; **Staff response: This site plan conforms to all regulations and standards established by the Land Development Code for its proposed use and zoning. The proposed excess parking should provide more-than-adequate on-site parking for any events that may be held on site, keeping overflow parking out of the adjacent neighborhood.***
2. *adversely affect the safety or convenience of vehicular or pedestrian circulation, including reasonably anticipated traffic and uses in the area; **Staff response: This is not anticipated to any detriment of safety or convenience.***
3. *adversely affects an adjacent property or traffic control through the location, lighting, or type of signs; **Staff response: No signage or lighting is proposed that would affect adjacent properties or traffic control.***

§ 25-2-6 - CIVIC USES DESCRIBED.

- (A) Civic uses include the performance of utility, educational, recreational, cultural, medical, protective, and governmental functions, and other uses that are strongly vested with public or social importance.
- (B) Civic use classifications are described as follows:
 - (1) ADMINISTRATIVE SERVICES use is the use of a site for provision of offices or administrative, clerical, or public contact services, together with incidental storage and maintenance of necessary vehicles. This use includes federal, state, county, and city offices.
 - (2) AVIATION FACILITIES use is the use of a site for provision of landing fields, aircraft parking and service facilities, and related facilities for operation, service, fueling, repair, storage, charter, sales, or rental of aircraft, including activities directly associated with the operation and maintenance of airport facilities.
 - (3) CAMP use is the use of a site for provision of indoor or outdoor activities for children, including sports, arts and crafts, entertainment, recreation, educational activities, swimming, fishing, horseback riding, and incidental food service. If incidental to the camp use, camp facilities may be used to provide meeting, recreation, or social facilities for a private association or group.
 - (4) CEMETERY is the use of land that is dedicated for cemetery purposes for the burial of the dead, including columbariums, crematoriums, mausoleums, and mortuaries.
 - (5) CLUB OR LODGE use is the use of a site for provision of meeting, recreational, or social facilities by a private or nonprofit association, primarily for use by members and guests. This use includes private social clubs and fraternal organizations.

C

HCRO Development Bonus for Height

Support documents

§ 25-2-1128 - DEVELOPMENT BONUSES.

- (A) The Land Use Commission shall grant a development bonus to a proposed development if the Land Use Commission determines that:
- (1) an unusual circumstance exists, as defined in Subsection (C); and
 - (2) the proposed development as constructed will comply with at least 50 percent of the criteria identified in Section 25-2-1129 (Criteria For Approval Of A Development Bonus).
- (B) A development bonus approved by the Land Use Commission for a proposed development may:
- (1) for property on a slope with a gradient of 15 percent or less, increase the floor-to-area ratio up to .05 to 1;
 - (2) increase building height up to:
 - (a) 40 feet in a low intensity zone;
 - (b) 53 feet in a moderate intensity zone; or
 - (c) 63 feet in a high intensity zone; or
 - (3) reduce a required setback by 25 feet or less.
- (C) In Subsection (A), an unusual circumstance must involve:
- (1) an undue hardship caused by this article, or by the cumulative effects of this title, because of the configuration, topography, or location of the tract;
 - (2) the demonstration of an innovative architectural, site planning, or land use design that:
 - (a) has not been used in the Austin area before; and
 - (b) will serve as an excellent example for a subsequent development; or
 - (3) a condemnation for right-of-way, if a bonus allows the property owner to recapture square footage potential that was lost because of that condemnation.
- (D) Notwithstanding Subsection (A)(2), if an unusual circumstance exists, the Land Use Commission may approve a development bonus if the proposed development does not comply with at least 50 percent of the criteria in Section 25-2-1129 (Criteria For Approval Of A Development Bonus).

Source: Sections 13-2-783(a) and (c); Ord. 990225-70; Ord. 010607-8; Ord. 031211-11.

§ 25-2-1129 - CRITERIA FOR APPROVAL OF A DEVELOPMENT BONUS.

In determining whether to approve a development bonus for a proposed development, the Land Use Commission may consider criteria that reasonably relate to the development bonus, including if the proposed development:

- (1) preserves a scenic vista and provides a place where the public can view the scenic vista;
- (2) limits access to a roadway that is not a hill country roadway if use of the roadway does not increase traffic in a residential area;
- (3)

reduces by at least 15 percent the amount of impervious cover otherwise required for the development;

- (4) increases landscaping or a setback by more than 50 percent above the amount required for the development or increases a natural area;
- (5) is a mixed-use development, particularly a mixed-use development that includes a residential use and community facility;
- (6) reduces building mass by breaking up buildings;
- (7) uses pervious pavers although the development is not entitled to receive an impervious cover credit;
- (8) consolidates small lots to create a parcel that has at least 300 feet of frontage on a hill country roadway;
- (9) uses pitched roof design features;
- (10) includes the construction or dedication of a public facility that is not required by a City ordinance, including a park, roadway and right-of-way, Police Department site, Fire Department site, emergency medical services facility site, or a regional drainage facility;
- (11) limits the construction of a building or parking area to an area with a slope that has a gradient of not more than 15 percent; or
- (12) uses an energy-conserving or a water-conserving device that reduces energy or water consumption below City requirements.

Source: Section 13-2-783(b); Ord. 990225-70; Ord. 010607-8; Ord. 031211-11.

Hill Country Roadway Ordinance (HCRO) Development Bonus

Junior League of Austin Community Impact Center – January 26, 2017

In order for the Junior League of Austin Community Impact Center to qualify for the Hill Country Roadway Ordinance (HCRO) Development Bonus provisions of Land Development Code (LDC) § 25-2-1128, the following criteria must be addressed.

1. Undue Hardship

Under LDC § 25-2-1128 (A) (1) and (C) (1), the Land Use Commission shall grant a development bonus to a proposed development if the Land Use Commission determines that ... *“an undue hardship [exists] caused by this article, or by the cumulative effects of this title, because of the configuration, topography, or location of the tract.”*

The “this article” phrase found in LDC § 25-2-1128 (C) (1) references Article 11 – Hill Country Roadway Requirements, of Subchapter C – Use and Development Regulations, of Chapter 25-2 – Zoning in the City of Austin Land Development Code.

The “this title” phrase found in the same location references Title 25 – Land Development in its entirety in the City of Austin Land Development Code.

The development rights associated with the property at 5330 Bluffstone Lane (the “Property”) were codified by Settlement Agreement NO. GNO-01372 dated April 21, 2003. This Agreement:

1. Requires commercial development to comply with the July 16, 1997 Neighborhood Agreement between Austin Great Hills Homeowners Association, Inc., Spicewood Springs Associates and Austin 360 Associates, or any amendments thereto;
2. Requires commercial development to comply with applicable zoning laws as of the date of the Agreement, codified in Title 25 of the Land Development Code;
3. Requires commercial development to comply with the Settlement Agreement Term Sheet, which includes:
 - a. The rules and regulations in effect on May 25, 1988, except as modified in the Settlement Agreement;
 - b. The Comprehensive Watershed Ordinance (CWO) – Ordinance No. 860508-V;
 - c. A maximum impervious cover of 77,902 square feet;
 - d. Structural water quality controls, including retention reirrigation;
 - e. Changes to the calculation method for impervious cover;
 - f. Compliance with the Hill Country Roadway Ordinance **(but with site plans administratively reviewed and approved)**;

- g. Definition of the Critical Water Quality Zone as the 100-year floodplain; and
- h. Other terms as listed on the Settlement Agreement Term Sheet.

The following paragraphs present arguments for hardships on the Junior League site based on Article 11 and by the cumulative effects of Title 25, because of the configuration, topography, or location of the tract.

1.1 Hardship Caused by LDC §25-2 Article 11

Approximately 43% of the 10.281 acres of the property lies on topography with slopes greater than 15%. This is a disproportionate percentage of the site, and requires the use of pier and beam construction, limits the construction of walls below the lowest finished floor elevation, and limits the depth of cut for structural excavation, among other things – presenting a hardship in terms of Construction on Slopes.

1.2 Hardship Caused by the Cumulative Effects of Title 25

While the disproportionally steep topography of the site presents a hardship in its own right in terms of Construction on Slopes, it is the cumulative effects of other sections of Title 25 that cause the most obvious hardship.

Table 1 presents a summary of the impacts of several sections of Title 25 that, when combined, yield an unusable site area of approximately 77% with some limitations due to slope, and an unusable site area of approximately 81% with no limitations due to slope.

Table 1. Unusable Area on the Junior League Community Impact Center Site

Lot Area (acres)	10.281
40% Natural Buffer Area	4.112
Critical Water Quality Zone outside of Buffer	3.068
Critical Environmental Feature Setback outside of Buffer	0.408
Public Water Quality Ponds	0.298
Slopes > 35% outside of Buffer	0.028
Resulting Allowable Unusable Area	7.914
% of Site Usable	77.0%

Allowable Usable Area	2.367
Slopes 25-35%	0.075
Slopes 15-25%	0.337
Resulting Unusable Area with NO limitation due to Topography	8.326
% of Site Unusable with NO Limitations	81.0%

Those sections of the Land Development Code referenced in the categories in Table 1 above are:

1. § 25-2-1025 - NATURAL AREA
2. § 25-8-261 - CRITICAL WATER QUALITY ZONE DEVELOPMENT
3. § 25-8-281 - CRITICAL ENVIRONMENTAL FEATURES
4. § 25-8-211 - WATER QUALITY CONTROL REQUIREMENT
5. § 25-2-1123 - CONSTRUCTION ON SLOPES

While numerous City Departments have worked hard to try to address the unique conditions on the site, an undue hardship exists caused by both LDC §25-2 Article 11, and the cumulative effects of requirements in Title 25 – both of which yield an unrestricted unusable area for the site of approximately 8.33 acres, or 81% of the site. This hardship requires a new design to be undertaken that necessitates the development bonuses provided in LDC § 25-2-1128.

2. Criteria for Approval

Once a hardship has been established, under LDC § 25-2-1128 (A) (2) the Land Use Commission shall grant a development bonus to a proposed development if the Land Use Commission determines that... *“the proposed development as constructed will comply with at least 50 percent of the criteria identified in LDC § 25-2-1129 (Criteria For Approval Of A Development Bonus).”*

The Junior League of Austin meets the following six (6) of the twelve (12) criteria (50%) listed in LDC § 25-2-1129:

2. Limiting access to roadways other than Hill Country Roadways where such roadways do not encourage traffic through residential areas.

Two driveways are proposed for the development, one on Bluffstone Cove and the other on Bluffstone Drive. The main access will be from Loop 360 up Bluffstone Drive. Use of Bluffstone Drive will not increase traffic in a residential area.

Staff agreed in early 2016 that the JLA Community Impact Center project meets this criteria.

3. Reduces by at least 15 percent the amount of impervious cover otherwise required for the development.

The impervious cover required for the development as initially envisioned totaled over 80,000 square feet – more than the maximum allowable under the Land Development Code and the Settlement Agreement of 77,902 square feet. The current site plan envisions a project with 66,174 square feet (achieved by increasing the height of the structured parking facility), which includes 1,850 square feet of impervious cover due to an old roadway in the Critical Water Quality. By utilizing structured parking, reducing the size of various walkways and gathering areas, and eliminating the impervious cover of the old roadway,

the Junior League has a new impervious cover footprint for the site that is more than 15% less than that otherwise required for development.

Staff agreed in a meeting on May 12, 2016 that the JLA Community Impact Center project meets this criteria.

4. Increasing landscaping or setbacks by more than 50% above the amount required for the development or increases a natural area.

The proposed project increases both landscaping and the natural area.

Table 3. Comparison of Required and Proposed Landscaping Metrics

	Required	Proposed
Natural Area (sq ft)	179,134	303,596
Streetyard Landscape (sq ft)	25,497	125,214
Streetyard Trees (#)	54	104
Buffering Points	520	801
Removed from CWQZ (sq ft)	0	6,800

The project provides a 69.5% increase in natural area over what is required for by Code. While much of this area could not be developed on anyway due to setbacks, slopes, etc., the project is 100% compliant with the 40% natural area requirement and is still leaving an additional 13,200 square feet of undisturbed area that could potentially be developed.

The project also includes a 391% increase over the areas of the streetyard requiring landscaping, a 93% increase over the number of streetyard trees required by Code, a 54% increase over the buffering points required by Code, and will remove more than 6,800 (4,000 for an old roadway and 2,800 for an old homestead slab) square feet of impervious cover currently in the Critical Water Quality Zone, increasing the natural area on the site and providing significant improvements for creek water quality and riparian system health within that natural area.

Staff requested in a meeting on May 12, 2016 that the JLA Community Impact Center project provide additional landscaping, setbacks, or natural area to meet this criteria. The table above is intended to address this concern.

7. Using “pervious pavers” although the development is not entitled to receive an impervious cover credit.

The project proposes pervious concrete (Ecocrete®) for the sidewalk connecting the building to the public sidewalk along Bluffstone Drive. Additional pervious concrete is proposed for the sidewalk along the northern edge of the property, paralleling Bluffstone Cove as well. The pervious sidewalk area totals more than 5,000 square feet.

Staff requested in a meeting on May 12, 2016 that the JLA Community Impact Center project provide additional pervious paving in addition to the sidewalk

paralleling Bluffstone Drive on the west side of the project. The additional pervious pavement added is intended to address this concern.

11. Limits the construction of a building or parking area to an area with a slope that has a gradient of not more than 15 percent.

The proposed building is located on slopes less than 15% except for approximately 1,130 square feet that are located on 15%-25% slopes (less than 1.7 % of the total impervious cover). The proposed parking is located on slopes less than 15% except for approximately 680 square feet that are located on 15%-25% slopes (approximately 1.0% of the total impervious cover).

The slope map developed to evaluate this criteria was generated by a topographic survey.

These areas of building and parking on slopes between 15% and 25% account for less than ½ of 1% of the total site area (0.42%). Certainly, these very small areas could be considered *de minimus*, much as they were on the nearby Prominent Point II PUD (Case C814-06-0054) in 2006, where similar conditions were apparent.

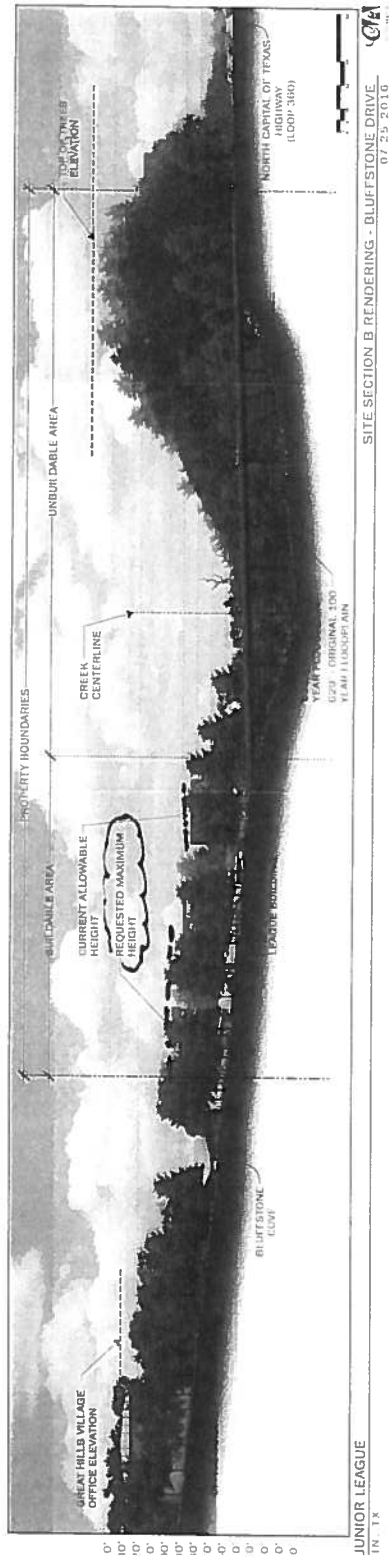
Staff requested in a meeting on May 12, 2016 that the JLA Community Impact Center project base the slope calculations on actual survey data, as opposed to City-provided, LIDAR-generated topographic maps. Accordingly, this project re-developed a slope map based on recent survey data in response to this request, and re-generated the building and parking areas on slopes greater than 15% based on this new slope map.

At the same meeting, the staff also provided some suggestion that a de minimus quantity of buildings and parking areas could occur on slopes greater than 15% and still meet the intent of this criteria, stating specifically that values of less than 3-5% could be considered acceptable. This project has less than 2.7% of building and parking areas on slopes greater than 15%, and should therefore address this concern.

12. Using energy-conserving and/or water conserving devices which reduce consumption below city requirements

The project will utilize high efficiency LED light fixtures, low flow plumbing fixtures that exceed the City of Austin's low-flow requirements, and high-efficiency VAV rooftop units.

Staff agreed in early 2016 that the JLA Community Impact Center project meets this criteria.



Courtney, Lynda

From: Guernsey, Greg
Sent: Tuesday, January 31, 2017 3:14 PM
To: Courtney, Lynda
Cc: Linseisen, Andrew
Subject: FW: Rationale for Junior League hardship
Attachments: JLA HCRO Rationale v1_26_17.pdf; ATT00001.htm

FYI

Based on the information submitted by Dave Anderson, I could support his revised request for the bonus under the cumulative impacts of the Code. However, since this is a site plan application, I would look to DSD for concurrence.

Greg

From: Dave Anderson [<mailto:DAnderson@drennergroupp.com>]
Sent: Thursday, January 26, 2017 2:13 PM
To: Guernsey, Greg
Cc: Edwards, Sue
Subject: Rationale for Junior League hardship

Per our discussion today, attached please find a short document that details arguments for a hardship per the Hill Country Roadway Ordinance (HCRO) Development Bonus provisions of Land Development Code (LDC) Section 25-2-1128.

IMPORTANT DATE: Please note we are scheduled for the February 7, 2017 Zoning & Platting Commission hearing, so we are desirous of a staff decision prior to this date.

Please don't hesitate to call or email with questions.

Thanks,

Dave

Interested Parties

INTERESTED PARTY INFORMATION

Interested parties are specifically defined in section 25-1-131 of the City Code. To view the Code on-line, go to this link:
<https://www.municode.com/library/tx/austin>.

Besides the applicant or owner listed in an application, a person can become an interested party if they communicate an interest to the City through the case manager and if they satisfy at least one of the following criteria: 1) they occupy a primary residence that is within 500 feet of the site of the proposed development; 2) they are the record owner of property within 500 feet of the site of the proposed development; or 3) they are an officer of an environmental or neighborhood organization that has an interest in the site of the proposed development or whose declared boundaries are within 500 feet of the site of the proposed development.

If a person satisfies the criteria to become an interested party, they must communicate an interest by either delivering a written statement to the Land Use Commission conducting the hearing or appearing and speaking for the record at the public hearing. A person may also provide a written statement to the Case Manager or by making telephone contact with the Case Manager. The communication must: 1) generally identify the issues of concern; 2) include the person's name, telephone phone number, and mailing address; and 3) if the communication is by telephone, be confirmed in writing.

Written comments concerning the site plan application may be submitted to the case manager on this form. Comments on a separate form should include the case number and the contact person listed on the notice.

Case Number: SPC-2016-0055C

Contact: Lynda Courtney, 512-974-2810 or

Cindy Casillas, 512-974-3437

☒ I meet the requirements for and request to be an interested party

LYNDA MULLONEY

512-788-2154

Name (please print)

Telephone number

8500 BLUESTONE COVE, AUSTIN, 78759

Address(es) affected by this application (Street, City, ZIP Code)

PO BOX 30223, AUSTIN, 78755

Mailing address (Street, City, ZIP Code)

Lynda Mulloney

Signature

Date

4/19/16

Comments: I am the property manager

for Great Hills Village Condominium

Community. We are representing

several owners at the above

mentioned address. One biggest

concern is the future driveway

into the new complex. We certainly

Mail comment forms to: but additional street

Development Services Department

Attn: Lynda Courtney

P. O. Box 1088

Austin, TX 78767-1088

necessary.

Lynda Mulloney

KARL W. WESTON

8515 N.Capital of Texas Hwy. #1032 • Austin, TX 78759 • (281) 235-0448

February 7, 2017

Lynda Courtney
Development Services Department 4th Floor
PO Box 1088
Austin, TX 78767-8810
Via email: Lynda.courtney@austintexas.gov

Re: Junior League of Austin Community Impact Center
Case Number SPC-2016-055C

Dear Ms. Courtney:

I strongly object to the construction of this project.

This is not an appropriate location to place such a large structure. There are transportation issues on the Capital of Texas Highway and increased congestion on this road.

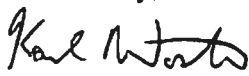
Further construction without the proper roads/traffic control to accommodate increased traffic will add to congestion on this particular intersection. I have received acknowledgement from:

Bruce Byron Project Manager 360/620 Improvement Studies Austin District of the Texas Department of Transportation that there are known issues at the intersection of Spicewood Springs/Bluffstone and the Capital of Texas Highway.

To increase traffic at this intersection adds to the danger and risk of accidents and increases environmental stress near the Bull Creek Watershed.

I would strongly urge the Zoning and Platting Commission to reject this application.

Sincerely,


Karl Weston